

# HOUSE OF REPRESENTATIVES—Wednesday, September 16, 1992

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 16, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,  
Speaker of the House of Representatives.

## PRAYER

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Our Father and our God, on this day, as we pause to remember and give thanks for the life of a colleague and friend, we are all given a perspective of the history that You are writing and over which, You are Lord. We can all reflect again on the very thin thread to which we all cling for life in this world.

O God, we are grateful for the work that is ours to do, for the opportunities that are ours to serve, for the challenges that are ours to meet, and for the health that is ours to enjoy.

Let our gratitude, in addition to being spoken, be shown this day in the routine tasks that we gladly accept, in the interruptions of schedule to help a neighbor, in the difficult choices that are ours to make, and in the joy of friendship and love of family.

Bless, O God, we pray, our work and our ways, that our work may further Your will for peace and justice and that our ways may offer blessing and hope to others. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be given today by the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5620. An act making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5620) "An act making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2) entitled "An act to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. HATCH, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. JEFFORDS, Mr. THURMOND, and Mr. COATS, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2967) "An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993

National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes," with an amendment.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 337. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag.

The message also announced, that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, appoints Dr. Stanley Z. Koplik of Kansas, to the Advisory Committee on Student Financial Assistance, for a term beginning October 1, 1992.

The message also announced, that pursuant to Public Law 98-399, the Chair, on behalf of the President pro tempore, appoints Mr. HOLLINGS, and Mr. KENNEDY, to the Martin Luther King, Jr., Federal Holiday Commission.

## PRESIDENT'S LATEST ECONOMIC PLAN FALLS SHORT, CUTS TAXES FOR THE RICH

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, working Americans have every reason to be skeptical of the plan for economic recovery that the President has offered the Nation. That is because it does not address their problems.

The administration's plan offers a tax cut to the richest segment of our society paid for by raising Medicare costs for seniors, increasing student loan repayments, and ending benefits for 1 million disabled vets.

This is an economic recovery plan that hurts the very segment of our society that needs help the most: working, middle-class families.

Since the Bush administration took office, the typical American family has become \$1,600 poorer; poverty has hit the highest level in 30 years; 1.3 million manufacturing jobs have been lost; and escalating health care costs are bankrupting businesses. And instead of the 30 million jobs promised in 8 years there are fewer private sector workers on the job than 4 years ago.

And now, he proposes an economic plan that once again lets the rich profit from the middle class. These policies are at best, Mr. Speaker, misguided.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

To restore the faith of our people in our national leadership we need a plan that they can have confidence will help them. The only plan the American people can accept is one that helps middle-class Americans as well as the rich. One that will result in the jobs for working Americans not just tax breaks for the wealthy.

#### DEFICIT GROWS LARGER, NO PLAN FORTHCOMING TO BALANCE THE BUDGET

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, recently the Treasury Department reported that the balance on the Federal Government's credit card has passed the \$4 trillion mark.

It has been 3 months since the Democrats in Congress killed the balanced budget amendment, claiming that all we need to do is show courage to balance the budget and promising to bring forward another statutory fix for the deficit crisis.

Well, the House still has not considered any plan to balance the budget. Where is the plan? Where is the courage? While Congress is twiddling its collective thumbs, the debt continues to grow, and grow, and grow.

The big spenders in Congress must be hoping the deficit will go away if they just ignore it long enough. We must address the deficit immediately, otherwise this Congress may go down as the biggest deficit spending, credit card charging Congress in history.

#### WAR CRIMES TRIAL SOUGHT FOR SADDAM HUSSEIN

(Mr. WELDON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, Saddam Hussein should be tried for war crimes. We have heard that call from this body many times over the past year and a half, but each time we have been told the documentation is not there to support a war crimes tribunal.

That documentation is now available. We now know that all our POW's from the allied nations were mistreated, and we have the proof that has been assembled by the Department of Defense and by our State Department. We know that civilians were mistreated inhumanely and against the War Crimes Act. That has been documented by human rights groups across the country and by our State Department.

The infamous incubator story that many said was not true has now been fully documented by the State of Kuwait. We have a fully authored and documented, detailed report, and just last

night we had the I-Max presentation of "The Fires of Kuwait," the most extensive report on the environmental damage caused by Saddam Hussein.

The evidence is in. We are now ready to move. I urge my colleagues to join me in asking the United Nations to convene a war crimes tribunal and to try Saddam Hussein, if necessary, in absentia for his crimes against humanity.

#### MIDDLE CLASS PAYING BIG PRICE FOR FAILURES OF GEORGE BUSH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in the last 2 years the Rust Belt lost another 2 million jobs. The No. 1 issue in this Presidential campaign is jobs.

Let us look, Mr. Speaker, at the record. George Bush promised 30 million jobs. George Bush promised an industrial base. George Bush promised an educational base. George Bush promised a trade base. The truth is, Mr. Speaker, that George Bush never got to first base. After 3½ years he is still in the batter's box. Check the record. George Bush has struck out on every single promise he made, and we are paying for it.

Mr. Speaker, I think it is time to stop this trickle-down business. The only trickle-down I have seen at the White House is a few accidents that Millie unfortunately made.

□ 1410

#### FLEXIBILITY, NOT MANDATES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, today the Democrats will be sending their parental-medical leave bill to the White House, where the President will veto it. The Democrats will try to use this issue on the campaign trail, saying President Bush is antifamily. The Democrats will claim that President Bush doesn't care whether your family member is sick, or whether your wife just had a baby. These statements couldn't be further from the truth.

The President, has consistently supported family leave policies based on flexibility, not mandates. The mandates in the Democrats plan are nothing more than hidden taxes on employers and employees that will result in a loss of jobs and a further blow to the economy. The President's plan contains tax credits for employers to encourage flexible parental leave policies without stifling the economy.

Yes, the American people want family medical leave, but they do not want the Government to mandate the struc-

ture. The American people would rather see flexibility and choice, as found in the President's plan.

Mr. Speaker, The American people will not be fooled by the Democrats rhetoric. We do not want mandates, we want choice.

#### NEITHER GEORGE BUSH NOR TRICKLEDOWN ECONOMICS ARE WORKING FOR AMERICA

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, President Bush came to Oregon Monday to tell us that he cares about the economy and he cares about jobs, and for once I believe the President. I believe jobs have recently become President Bush's top priority. Both the preservation of his job and Vice President QUAYLE's job are receiving his full attention.

Unfortunately, that doesn't leave much time for 125,000 jobless Oregonians. For 4 years we've been asking for leadership to help us resolve the timber crisis in the Northwest. The President, however, decided it would be politically expedient to use this crisis to spread fear and divide us—to simplistically pit jobs against the environment.

But in Oregon, we don't fall for President Bush's scare tactics—we're scared by his economic tactics.

Four years ago President Bush promised 30 million new jobs in 8 years. At the rate he's going, we'll be there in roughly 100 years.

A group in Springfield, OR, recently held a car wash and raised money to reduce the Nation's \$4 trillion debt. They did more for our economy in 1 day than the President has done in 4 years.

Unemployment is up, the dollar is weak, incomes are low, and our trade and budget deficits are huge. Trickle-down economics isn't working for America, and neither is George Bush.

#### FAMILY LEAVE INCENTIVE BILL VERSUS MANDATED LEAVE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, my Democrat colleagues would like the debate on family and medical leave to center on allowing parents to take time off for a child. As anyone who knows anything about this issue is aware, no one opposes such an arrangement between employer and employee. What is opposed is the mandating of such an agreement and the costs employers and employees will ultimately have to pay.

As usual the Democrats are trying to engage in costless giving. It has never

worked before and will not work here. The inevitable result will be that flexibility in benefits will disappear, the cost of business will increase, and there will be fewer businesses and fewer jobs. The Democrats have still not learned to accept the responsibility that governing entails.

In contrast to the Democrats' careless approach, President Bush offers a responsible one whereby businesses with fewer than 500 employees would receive a tax credit to offset the costs of parental leave or other employee benefits. This approach has many advantages over the Democrats' authoritarian attempt.

The Bush plan would maintain the flexibility necessary in today's everchanging workplace. It would benefit precisely the small employers which the Democrats' plan excludes, the very same small employers who will have the greatest difficulty in meeting the costs of a mandated leave plan.

So, if you support a family leave plan which leaves businesses in business and employees employed, then you will support the Bush family leave incentive bill.

#### THE 99 DAYS SINCE DEFEAT OF BALANCED BUDGET AMEND- MENT: STILL NO DEMOCRAT PARTY SOLUTION TO DEFICIT

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, 99 days since the Democrats defeated the balanced budget amendment and still no relief in sight for the American people. Another summer of the Democrats continuing their tax and spend ways against the will of the taxpayer.

Mr. Speaker, the American people are not pleased with this Congress and its massive budget deficits. The average citizen understands that if you consistently spend more than you take home, you will go bankrupt. It seems simple enough.

But no, fiscal restraint is impossible for the big spenders who control this Congress. These Democrats consistently turn their backs on the taxpayer to run into the awaiting embrace of special interests. They take otherwise positive measures and fill them full of so much pork that President Bush must veto them. They ignore the deficits and the national debt as if they will one day magically disappear.

Year after year the Democrat leadership of this House has squandered our national savings on their pet projects. Mr. Speaker, the time has come for us to pass a balanced budget amendment. We need a constitutional harness to reign in these big spenders.

#### SUPPORT THE F-15 SALE

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in support of the proposed sale of F-15's to Saudi Arabia.

It is easy, Mr. Speaker, to acknowledge the obvious—the controversy surrounding this proposed sale. All of us are committed to the security of Israel, and to continuing a strong United States-Israeli security relationship. But I believe that a United States sale would be more in the interest of Israel's security than would the sale of Tornados from England because of our Nation's responsible policy governing arms transfers.

We have seen the difference between U.S. foreign arms sales and those of our allies. When the United States sells sophisticated military items, we strip them of such sensitive systems as state-of-the-art avionics and long-range radars, and we require countries to sign agreements prohibiting them from selling the technology to third parties. In contrast, some nations are more concerned with profit than with assuring sales are conducted in a responsible manner and with appropriate safeguards. Such dangerous practices lead to technology transfers to unfriendly nations and destabilize regions of the globe.

This sale means jobs—thousands of aerospace jobs—across our country and in my home State. The sale of F-15's will sustain about 1,200 primary manufacturing jobs as well as another 800 jobs in smaller firms and machine shops in Connecticut that supply parts and rely on orders from larger aerospace firms. As we reduce defense spending to reflect remarkable changes in the world community, limited, responsible arms sales, such as the F-15 sale to Saudi Arabia, coupled with a comprehensive defense conversion program, will give our Nation's defense contractors the time they need to downsize and diversify into commercial markets, and, thereby preserve both jobs and our industrial base.

#### TRIBUTE TO MILLICENT FENWICK

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, early this morning my constituent and my dear friend Millicent Fenwick passed away at her home in Bernardsville, NJ.

Millicent was a role model for me and for many other men and women who entered political life in the 1970's. She was the embodiment of good government and human decency.

When I arrived in the House of Representatives last year I was astonished at what a mark she had made and how

everyone who had served with her had a Millicent Fenwick story that they recalled with great warmth, even though she had only served for 8 years and had already been gone for 8 years.

My favorite story about Millicent came from the debate in the New Jersey Legislature on the equal rights amendment. A male assemblyman rose and said:

I don't like this amendment. I always thought of women as kissable, cuddly, and smelling good.

To that Millicent rose and replied:

That is the way I feel about men, too. I only hope for your sake that you haven't been disappointed as often as I have.

That was the humor, the dignity, and the good sense that Millicent gave us. We will miss her and we will remember her.

#### REAPPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STU- DENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, and pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99-498, the Chair announces the Speaker's reappointment on the part of the House of the following member to the advisory committee on student financial assistance: Mr. Stephen C. Biklen of Pittsford, NY.

□ 1420

#### COMMUNICATION FROM THE MAJORITY LEADER

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the majority leader.

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 16, 1992.

Hon. THOMAS S. FOLEY,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 203(b)(1)(C) of Public Law 102-166, I hereby appoint the following individual to serve as a member of the Glass Ceiling Commission: Judith B. Wierciak of Illinois.

Sincerely,

RICHARD A. GEPHARDT,  
Majority Leader.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after the votes on S. 1699 and H.R. 5534 postponed from Tuesday, September 15, 1992.

# NATIONAL AND COMMUNITY SERVICE TECHNICAL AMENDMENT ACT OF 1992

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3175) to improve the administrative provisions and make technical corrections in the National and Community Service Act of 1990.

The Clerk read as follows:

S. 3175

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service Technical Amendment Act of 1992".

## SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

## SEC. 3. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) by striking paragraph (29) and inserting the following new paragraph:

"(29) The term 'summer program' means a full-time or part-time youth corps program authorized under this title that is limited to a period beginning after April 30 and ending before October 1."; and

(2) by striking "stipends" in paragraph (30) and inserting "living allowances".

## SEC. 4. AUTHORITY OF COMMISSION.

Paragraphs (1) and (2) of section 112(b), and sections 113(10), 115(c)(2), 116(b), 164(2), 179(d), and 190(c)(8) (42 U.S.C. 12522(b) (1) and (2), 12523(10), 12525(c)(2), 12526(b), 12615(2), 12639(d), and 12651(c)(8)) are amended by striking "Secretary" each place it appears and inserting "Commission".

## SEC. 5. GENERAL AUTHORITY.

Section 121 (42 U.S.C. 12541) is amended to read as follows:

### "SEC. 121. GENERAL AUTHORITY.

"The Commission may make grants under section 102 to States or local applicants and may transfer funds to the Secretary of Agriculture, to the Secretary of the Interior, or to the Director of ACTION for the creation or expansion of full-time, part-time, year-round, or summer, youth corps programs".

## SEC. 6. AGE.

Section 130(a)(1) (42 U.S.C. 12550(a)(1)) is amended by striking "15" and inserting "14".

## SEC. 7. PEACE CORPS.

(a) ELIGIBILITY AND SELECTION PROCEDURES.—Section 161(a)(2) (42 U.S.C. 12612(a)(2)) is amended by striking "at least 3 years".

(b) EDUCATIONAL BENEFITS.—Section 163(c)(2) (42 U.S.C. 12614(c)(2)) is amended by striking "serve 3 years" and inserting "satisfactorily complete the service of the individual".

## SEC. 8. ASSISTANCE FOR HEAD START.

Section 166 (42 U.S.C. 12622) is amended by inserting ", and to projects of the type described in section 211(a) of the Domestic Volunteer Service Act operating under memoranda of agreement with the ACTION Agency," after "Domestic Volunteer Service Act)".

## SEC. 9. EVALUATION.

Section 179 (42 U.S.C. 12639) is amended—

(1) in subsection (a)(2) by striking "subsection (h)" and inserting "subsection (j)";

(2) in subsection (f) by inserting "or post-service benefit" after "voucher"; and

(3) in subsection (h)—

(A) in paragraph (1) by striking "subsection (g)" and inserting "this section"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—The Commission shall maintain the confidentiality of information acquired under this subsection regarding individual participants.

"(B) DISCLOSURE.—

"(i) CONSENT.—The content of any information described in subparagraph (A) may be disclosed with the prior written consent of the individual participant with respect to whom the information is maintained.

"(ii) AGGREGATE INFORMATION.—The Commission may disclose information about the aggregate characteristics of such participants.

## SEC. 10. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

Section 190 (42 U.S.C. 12651) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting "Director of the Office of National Drug Control Policy," after "Agriculture,"; and

(B) by redesignating paragraphs (5) through (8) as paragraphs (3) through (6), respectively;

(2) in subsection (d) by adding at the end the following new paragraph:

"(3) The Board may—

"(A) appoint the Director without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service; and

"(B) fix the compensation of the Director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of compensation shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.";

(3) in subsection (e)—

(A) by striking "TECHNICAL EMPLOYEES.—The Director" and inserting "EMPLOYEES.—The Director";

"(1) IN GENERAL.—The Director";

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph)—

(i) by striking "10 technical" and inserting "eight";

(ii) by striking "Committee" and inserting "Commission"; and

(iii) by inserting before the period the following: "except that the rate of compensation for two of the eight employees shall not exceed the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, and the rate of compensation for the remaining six of the eight employees shall not exceed the maximum annual rate of basic pay payable for GS-15s under the General Schedule under section 5332 of title 5, United States Code"; and

(C) by adding at the end the following new paragraphs:

"(2) ADDITIONAL STAFF.—The Director may, at the discretion of the Board, appoint and compensate such staff as the Director determines to be necessary to carry out the duties of the Commission.

"(3) CONSULTANTS.—Subject to the rules prescribed by the Commission, the Director may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in ac-

cordance with section 3109(b) of title 5, United States Code.

"(4) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a non-reimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Director and the head of the Federal agency, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(5) DONATIONS.—

"(A) SERVICES.—

"(i) VOLUNTEERS.—Notwithstanding any other provision of Federal law, the Commission may accept the voluntary services of individuals, and provide to such individuals the travel expenses described in subsection (b)(6).

"(ii) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except as follows:

"(I) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee.

"(II) CIVIL EMPLOYEE.—For the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(B) PROPERTY.—The Commission may accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

"(C) RULES.—The Commission shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise (pursuant to subparagraph (B)) would reflect unfavorably upon the ability of the Commission or any employee of the Commission to carry out the responsibilities or official duties of the Commission in a fair and objective manner, or would compromise the integrity of the programs of the Commission or any official involved in such programs.

"(D) DISPOSITION.—Upon completion of the use by the Commission of any affected property, such completion shall be reported to the General Services Administration and such property shall be disposed in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(6) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Commission under this Act.";

(4) by adding at the end the following new subsections:

"(i) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(j) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from an officer, department, agency, establishment, or instrumentality of the Federal Government such information and statistics as the Commission may require to carry out the duties of the Commission under this Act. On the request of the Director of the Commission, each such officer, department, agency, establishment, or instrumentality may furnish, to the extent permitted by law, such information and statistics directly to the Commission.

"(k) SOURCES OF SUPPLIES AND SERVICES.—The Commission may use General Services Administration sources of supplies and services."

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 501(a)(1) (42 U.S.C. 12681(a)(1)) is amended to read as follows:

"(1) TITLE I.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out subtitles B, C, D, E, and F of title I, \$102,000,000 for fiscal year 1993.

"(B) SUBTITLE G.—There are authorized to be appropriated to carry out subtitle G of title I, \$3,000,000 for fiscal year 1993."

(b) EARMARKS.—Section 501(a)(2) (42 U.S.C. 12681(a)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "paragraph (1)" and inserting "paragraph (1)(A)";

(2) by striking subparagraph (A);

(3) by striking "and" at the end of subparagraph (C);

(4) by striking the period at the end of subparagraph (D) and inserting a semicolon;

(5) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(6) by adding at the end the following new subparagraph:

"(D) any remaining funds may be expended for any activity authorized in title I."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

#### GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous matter on S. 3175, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the National and Community Service Technical Amendments Act of 1992. This act, which passed the Senate unanimously, has the support of the administration and has been cleared

with Mr. GOODLING and the minority. The purpose of the act is to make minor technical and administrative changes in the National and Community Service Act of 1990. These modifications will help the Commission, the independent agency created to administer the act, to more effectively involve Americans in service to their community and their country.

These amendments will enable the Commission to better evaluate the programs it funds, improve its effectiveness, and ensure that the best programs are funded. The bill also allows the Commission to accept the services of volunteers and to receive donations of services and property, to provide specific authority to hire experts and consultants, and to provide specific authority to accept detailees from Federal agencies. It makes part-time, year around youth and Conservation Corps programs eligible for funding and extends the months available for funding for summer Youth Corps from May to September. Finally, the bill authorizes more money for administrative expenses without raising overall spending for the Commission.

Mr. Speaker, this Congress had made a commitment to support and promote voluntary community service to enable young people, and others, to contribute to improving this country. As a result, both the communities in which these activities take place and the people doing the service are much improved. Enactment of this legislation will allow the Commission to continue its good work. I urge the membership to suspend the rules and pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

I would like to say that I rise in support of S. 3175, the National and Community Services Technical Amendments Act of 1992, which has bipartisan support in the Senate and is also strongly supported by the administration, their Commission on National Community Service.

The staffs have worked together, the administration is for it, and I would say that it has bipartisan support.

Mr. Speaker, I yield such time as he may consume to the senior member of our committee, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I rise in strong support of the legislation. It was put together on a bipartisan basis with the blessing of the administration.

Mr. Speaker, I rise in support of S. 3175, the National and Community Service Technical Amendments Act of 1992, which had bipartisan support in the Senate and which is also strongly supported by the administration's Commission on National and Community Service.

At the end of the 101st Congress, the National and Community Service Act was en-

acted and it established the Commission on National Service to provide national leadership regarding the responsibility of all citizens to serve their country and their communities. S. 3175 largely contains amendments to the provisions establishing the Commission which allow the Commission more flexibility in terms of staffing and use of volunteers and donations.

The bill also contains provisions increasing the authorization for administrative funds from \$2 to \$3 million, authorizing the funding of full and part-time Youth Corps summer programs, and allowing the Commission to disclose information about the aggregate characteristics of participants in programs under the act.

Although our experience with the National and Community Service Act is not a long one, already there have been many excellent service projects that have received funding from Commission grants. My own home State of Pennsylvania has, for many years, operated an extensive network of Conservation Corps projects, service learning programs, and community service activities. Many of these efforts have been bolstered by National and Community Service Act grants.

For example, Pennsylvania has been chosen as a Serve-America Leader State and plans to establish a self-sustaining system of service through public-private partnerships between schools and community organizations. My home State has also received funding to implement a leadership development model that is something of a community service officer corps. York County, in my district, has a very active Summer Youth Service Corps that takes primary responsibility for maintaining 3,600 acres of York County parks. York City Schools also operate an extensive community service program, as do Dickinson, Gettysburg, and several other colleges in my district.

I know that my district has benefited greatly from the work performed by participants in service projects operated at both the State and local levels with Federal support. Similarly, those participants have had the benefit of many unique opportunities, access to on-the-job training, and the chance for career exploration through their involvement in community service.

Mr. Speaker, the bill before us today will allow the Commission on National Service the administrative flexibility to support the very worthwhile service programs that are flourishing in schools and communities across the Nation. I urge your support.

Mr. BALLENGER. Mr. Speaker, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the Senate bill, S. 3175.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

# EEOC EDUCATION, TECHNICAL ASSISTANCE, AND TRAINING REVOLVING FUND ACT OF 1992

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5925) to amend title VII of the Civil Rights Act of 1964 to establish a revolving fund for use by the Equal Employment Opportunity Commission to provide education, technical assistance, and training relating to the laws administered by the Commission.

The Clerk read as follows:

H.R. 5925

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992".

## SEC. 2. REVOLVING FUND.

Section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end of the following:

"(k)(1) There is hereby established in the Treasury of the United States a revolving fund to be known as the 'EEOC Education, Technical Assistance, and Training Revolving Fund' (hereinafter in this subsection referred to as the 'Fund') and to pay the cost (including administrative and person all expenses) of providing education, technical assistance, and training relating to laws administered by the Commission. Monies in the Fund shall be available without fiscal year limitation to the Commission for such purposes.

"(2)(A) The Commission shall charge fees in accordance with the provisions of this paragraph to offset the costs of education, technical assistance, and training provided with monies in the Fund. Such fees for any education, technical assistance, or training

"(i) shall be imposed on a uniform basis on persons and entities receiving such education, assistance, or training,

"(ii) shall not exceed the cost of providing such education, assistance, and training, and

"(iii) with respect to each person or entity receiving such education, assistance, or training, shall bear a reasonable relationship to the cost of providing such education, assistance, or training to such person or entity.

"(B) Fees received under subparagraph (A) shall be deposited in the Fund by the Commission.

"(C) The Commission shall include in each report made under subsection (e) information with respect to the operation of the Fund, including—

"(i) the identity of each person or entity to which the Commission provided education, technical assistance, or training with monies in the Fund, in the fiscal year for which such report is prepared,

"(ii) the cost to the Commission to provide such education, technical assistance, or training to such person or entity, and

"(iii) the amount of any fee received by the Commission from such person or entity for such education, technical assistance, or training.

"(3) The Secretary of the Treasury shall invest the portion of the Fund not required to satisfy current expenditures from the Fund, as determined by the Commission, in obligations of the United States or obligations guaranteed as to principal by the United States. Investment proceeds shall be deposited in the Fund.

"(4) There is hereby transferred to the Fund \$1,000,000 from the Salaries and Expenses appropriation of the Commission."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

## GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous matter, on the bill, H.R. 5925.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the EEOC Education, Technical Assistance and Training Revolving Fund Act of 1992. This act has broad bipartisan support of the chairman and ranking minority member of the Committee on Education and Labor, on which I serve, the chairman and ranking minority member of the Subcommittee on Employment Opportunities which has jurisdiction over the EEOC, the chairman of the Appropriations Subcommittee on Commerce, Justice, State and Judiciary, as well as the administration.

The purpose of the bill is to establish a revolving fund within the EEOC to be supported by payments received from recipients of technical assistance and training. The Americans With Disabilities Act and the Civil Rights Act of 1991 specifically require the EEOC to carry out such training and technical assistance activities.

By authorizing the EEOC to charge a fee for technical assistance and training programs, this bill will enable the EEOC to provide better and more programs without having to rely on competing funding claims for the Commission.

Mr. Speaker, effective technical assistance and training programs are an important tool in the EEOC's arsenal of weapons to ensure employers comply with the requirements of the Civil Rights Act of 1991, the Americans With Disabilities Act and other important Federal civil rights statutes. To guarantee that effective technical assistance programs under the fund are provided equitably, the bill specifically requires that fees for such programs are imposed on a uniform basis, do not exceed the total cost of providing such programs, and bear a reasonable relationship to the cost of providing assistance to the particular person receiving such assistance.

The bill also requires the EEOC to report to Congress concerning the nature

of the technical assistance and training programs provided under the revolving fund, and the entity receiving such assistance, the cost to the EEOC of providing the assistance, as well as the fees it received.

Mr. Speaker, this Congress established and repeatedly reaffirmed the national commitment to eliminate discrimination in the workplace on the basis of race, gender, religion, national origin, age, and disability. Enactment of this legislation will allow the EEOC to fulfill its statutory mandate to provide training and technical assistance programs. I urge Members to suspend the rules and pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5925, the EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992. This legislation was developed on a bipartisan basis through the cooperative efforts of the Education and Labor Committee, the Ways and Means Committee, the Appropriations Committee, and the administration.

The impetus behind H.R. 5925 originated with the Equal Employment Opportunity Commission [EEOC] and was fueled by that agency's concern that current fiscal constraints would not allow the EEOC to provide the technical assistance and training necessary to inform employers and employees of their rights and responsibilities under laws within the EEOC's jurisdiction. The need for such technical assistance is particularly heightened at this time because of the new equal employment requirements imposed by the Americans With Disabilities Act [ADA] and the Civil Rights Act of 1991. As most Members have, I too have had conversations with many employers in my district who have questions about how to make both their workplace and their employment policies accessible to the disabled. Similarly, many employers have concerns about how the Civil Rights Act impacts their current personnel practices.

H.R. 5925 provides the EEOC with the avenue to provide the type of in-depth technical assistance and training that is simply not feasible under current public information mandates. It would authorize the EEOC to make a one-time transfer of \$1 million from its salaries and expenses account to establish a revolving fund to pay the initial costs of providing the education, technical assistance, and training. Both employee and employer groups receiving the informational materials and services provided by the fund would be charged a fee based on the actual cost, thus enabling the fund to become self-supporting.

H.R. 5925 will allow the EEOC to step into the informational void that exists,

particularly with regard to the ADA, and to provide employers and employees with credible, reliable answers about their rights and duties under the myriad employment opportunity laws that impact today's workplace. I believe that most employers want to treat their work force fairly and want to comply fully with the EEO laws to which they are subject. Often, however, employers need some direction in how to get there. H.R. 5925 gives the EEOC the resources and authority to provide the roadmap.

□ 1430

Mr. Speaker, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD an exchange of letters between the chairmen, the gentleman from Michigan [Mr. FORD], and the gentleman from Illinois [Mr. ROSTENKOWSKI] relating to the fees involved in this legislation.

COMMITTEE ON EDUCATION AND LABOR,  
Washington, DC, September 14, 1992.

Hon. DAN ROSTENKOWSKI,  
Chairman, Committee on Ways and Means, U.S.  
House of Representatives, Washington, DC.

DEAR CHAIRMAN ROSTENKOWSKI: I write in reference to H.R. 5925, the EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992.

Specifically, the bill requires that fees could be charged only for specified services, that such fees would be charged on a uniform basis for persons receiving such services, that the fees would not exceed the costs of providing such services, and that with respect to each person receiving such services, the fees would bear a reasonable relationship to the cost of providing such services.

It is my understanding and intent that the program would be operated so that any service for which a fee is charged to all persons using such service, and such charges would be in reasonable relation to the services received. In addition, it is my understanding and intent that no significant amounts are intended to be accumulated in the program's revolving fund on a year-by-year basis because the fees charged, in the aggregate, would not exceed the costs of providing services.

Thank you for working with the Committee on Education and Labor on this matter. I will be happy to include this and your September 14, 1992 letter in the CONGRESSIONAL RECORD during the floor proceedings on the bill.

With kind regards,

Sincerely,

WILLIAM D. FORD,  
Chairman.

COMMITTEE ON WAYS AND MEANS,  
Washington, DC, September 14, 1992.

Hon. WILLIAM D. FORD,  
Chairman, Committee on Education and Labor,  
U.S. House of Representatives, Washington,  
DC.

DEAR MR. CHAIRMAN: I write in reference to H.R. 5925, the EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992.

I want to thank you for the cooperative effort between the staff of the Committee on Education and Labor and this Committee's

staff in crafting the fees included as part of the Act so as not to affect the jurisdiction of the Committee on Ways and Means concerning revenue measures. Specifically, the bill requires that fees could be charged only for specified services, that such fees would be charged on a uniform basis for persons receiving such services, that the fees would not exceed the costs of providing such services, and with respect to each person receiving such services, the fees would bear a reasonable relationship to the cost of providing such services.

As a result of this language, I would appreciate a letter from you expressing your understanding that the program would be operated so that any service for which a fee is charged would be charged to all persons using such service and such charges would be in reasonable relation to the services received. Further, because the fees charged, in the aggregate, would not exceed the costs of providing services, I would also appreciate knowing your understanding that no significant amounts are intended to be accumulated in the program's revolving fund on a year-by-year basis.

Thank you again for working with the Committee on Ways and Means on this matter. I ask that you include this letter, and your response, in the CONGRESSIONAL RECORD during the floor proceedings on this bill.

With warm regards I am,

Sincerely yours,

DAN ROSTENKOWSKI,  
Chairman.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the bill, H.R. 5925.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAKING IN ORDER CONSIDERATION ON THURSDAY, SEPTEMBER 17, 1992, OR ANY DAY THEREAFTER CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON H.R. 5373, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that it be in order on Thursday, September 17, 1992, or any day thereafter, notwithstanding section 302(f) of the Budget Act, to consider a conference report and amendments reported from conference in disagreement on the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes, and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

## NATIONAL COMPETITIVENESS ACT OF 1992

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5231) to amend the Stevenson-Wylder Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed four hours. In lieu of the committee amendment in the nature of a substitute now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 5231, it shall be in order to take from the Speaker's table the bill S. 1330 and to consider the Senate bill in the House. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 5231 as passed by the House. All points of order against that motion are waived. If the motion is adopted and

the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1330 and to request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 563 is a rule that provides for the consideration of H.R. 5231, the National Competitiveness Act. The resolution calls for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Science, Space, and Technology Committee. The rule further provides that the bill will be considered for amendment for no more than 4 hours.

The rule makes in order the amendment in the nature of a substitute printed in the report to accompany the rule as an original bill for the purpose of amendment and specifies that the bill be considered by title, with each title considered as read.

The resolution waives all points of order against the substitute for failure to comply with clause 7 of rule XVI, which prohibits the offering of non-germane amendments. In addition, the resolution waives clause 5(a) of rule XXI, which prohibits appropriations in legislative bills.

The rule also provides for one motion to recommit with or without instructions.

Finally, if the House passes H.R. 5231, the resolution makes it in order to consider a Senate companion bill, S. 1330, in the House. The resolution also makes in order a motion to strike all after the enacting clause of S. 1330 and insert the text of H.R. 5231 as passed by the House. If the motion is agreed to then it shall be in order to move to insist on the House amendment and request a conference thereon.

Mr. Speaker, H.R. 5231 addresses some of the most pressing, structural problems that inhibit U.S. industry from competing effectively at home and abroad. The bill designates the Department of Commerce as the lead agency in the establishment of a national competitiveness strategy. The bill would establish a nationwide network of manufacturing outreach centers to provide technology extension services to American manufacturers. Once the network is in place, businesses will have access to a storehouse of information.

The bill also authorizes funding to develop new manufacturing technologies that would benefit American industry and workers and expands the Advanced Technology Program of the

Department of Commerce. This program provides peer reviewed, matching grants for development of advanced technologies.

Finally, H.R. 5231 establishes program to promote adoption overseas of standards favorable to U.S. exporters and creates a competitiveness research, data collection and evaluation program. Overall the provisions in this bill will help to make our manufacturing sector more competitive in today's global environment.

Mr. Speaker, House Resolution 563 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is always interesting to serve on the Rules Committee. At times, we get to see some good things done for this House and for this Nation. At other times, we see things done that are bad—sometimes even terrible.

Today we have before us a rule that contains some bad and a little good, I guess. Certainly, it is an open rule that honors the minority's right under the standing rules of this House to offer a motion to recommit with instructions, and that's all to the good, and the way it should be.

This very same rule, however, places an arbitrary time limit on consideration of amendments to the bill, so it is not quite as open a rule as Members might suppose.

It also makes in order—and I think everybody ought to listen to this—it also makes in order as the text of the bill to be considered a nongermane substitute. Rules of the House require us to deal with germane amendments. This substitute was offered at the last moment by the gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology, and it has not been considered in its entirety by his committee or even reported out of that committee. So here we go again.

Here, Mr. Speaker, we get to the point where this rule becomes not just bad, it becomes terrible. In a strictly arbitrary fashion, the majority on the Rules Committee voted to refuse to make in order for debate the proposed amendment by the gentleman from Pennsylvania [Mr. WALKER] sitting over here next to me, the ranking member of the Committee on Science, Space, and Technology, one of the most respected Members of this House dealing with those subjects.

Why was his amendment thrown out? On the grounds that it is nongermane and has not been considered by the appropriate committee of jurisdiction, that's why. That is also hypocrisy.

Let me repeat this point. We are being asked to approve a rule that

makes in order a nongermane substitute amendment as the text of the bill. At the same time, this same rule refuses equal treatment for a proposed amendment by the gentleman from Pennsylvania [Mr. WALKER].

□ 1440

Why? Evidently because the sponsor, the gentleman from Pennsylvania [Mr. WALKER], is a Republican who wants to offer major portions of President Bush's economic reform package that the Democrats continue to hold hostage, to keep this country in recession, to deliberately keep Americans unemployed until after the Presidential election; that is disgusting. That is gridlock, disgusting gridlock.

Mr. Speaker, I will seek to defeat the previous question concerning the rule when that motion is made. I will do so in order to bring before this body my amendment to the rule that makes in order for consideration by this House the Walker amendment. Break the gridlock; debate the issue. That is what the American people want.

Mr. Speaker, before I yield time to those of my colleagues who wish to speak on this rule, let me take a moment to comment on something said in the Rules Committee hearing last Thursday. Mr. Speaker, I was momentarily called out of the hearing the other day, and while I was absent, my good friend from South Carolina, Mr. BUTLER DERRICK, whom I have a great deal of respect for, and who is managing the bill for the majority, spent some time deriding, I repeat, deriding a portion of the proposed Walker substitute, the Taxpayer Public Debt Reduction Act. He called it a gimmick. I want to point out to my friend, Mr. DERRICK, that in an advisory opinion on this particular proposal requested by the gentleman from Pennsylvania [Mr. WALKER], the Congressional Budget Office told him this: "If taxpayers persisted in choosing the maximum checkoffs, then spending cuts would total over \$200 billion in 1997 and, together with interest savings, would result in," guess what?—"a balanced budget."

My gosh. That is what the American people want so desperately.

Mr. Speaker, I want to respond further to this talk about gimmickry. First of all, this rule itself is a gimmick. It is not fair to this House or to our Nation to prevent the opportunity for Members to consider the Walker amendment on the floor of this House.

Second, let me be more specific about where the so-called gimmickry lies when it comes to dealing with the public debt and our growing budget deficit, which is turning this country into a debtor Nation. No matter what we Republicans propose—a line-item veto, a balanced budget amendment to the Constitution, a voluntary tax public debt checkoff, some kind of a restraint

on the inflationary growth of entitlement spending—no matter what we propose, the Democrats deride it as gimmickry.

What do you think out there, America? Do you think all this is gimmickry? I will tell you what many Members of the Democrat Party think is not a gimmick, and that is taxes. When you boil away all the rhetoric deriding other ways to deal with the deficit, that is all you find from the Democrat Party.

But let me tell you, Mr. Speaker, that taxes are the biggest gimmick of them all, because more taxes only mean more spending by this irresponsible Congress. Tax and spend, tax and spend, that is the heartbeat of many in the majority party. We only have to look at the many attempts by the majority leadership in this House to break down the firewalls in the 1990 budget agreement to get their hands on more spending money. We can tell where their heart lies.

Now let us see if this bill that the rule would bring before us can give us further insight into whether a Democrat-controlled Congress plans even greater spending in the coming years. Listen. The Congressional Budget Office has estimated that, if enacted, this bill before us right now, this bill alone would result in new, additional spending of at least \$1.6 billion—\$1.6 billion of money we do not have.

Here is the real gimmickry, Mr. Speaker, and it does not take long to realize it: With a Democrat President in the White House, this Democrat-controlled Congress would be even more out of control with taxes and spending going through the roof.

Now I will leave it up to the gentleman from Pennsylvania [Mr. WALKER] to explain his proposed amendment, including the Taxpayer Public Debt Reduction Act it contains, and how that amendment would help to get our economy back on track. But let me say this about the package. First of all, over 2 years ago the Commerce Department's Technology Administration, the very agency this bill purports to strengthen, warned us that the U.S. lead in research into various leading technologies would not reap the appropriate economic reward without bold reforms. Such as what? Product liability reform, which is so badly needed, that's what.

Let me cite a quotation from a recent article on that issue which illustrates why this is so:

American business people are running scared—and their fear of liability colors all kinds of business decisions. The outcome? Reluctance to innovate and to invest, when our economic future demands risk and creativity.

That was from the Washington Post last month.

The Walker substitute addresses not just product liability but professional

liability as well. Frankly, the cost of frivolous lawsuits, while they may be enriching certain ambulance-chasing trial lawyers, is diminishing our national wealth and undermining our competitiveness.

Mr. Speaker, the Walker substitute is not a gimmick. It addresses long-term problems that are sapping our economic strength.

Finally, I have to remind my colleagues on the other side of the aisle that simply throwing money at our problems will not make them go away. In fact, it will only make them worse if we enlarge the deficit, which this bill does.

Let me tell my colleagues what a major CEO was recently quoted as saying. You ought to listen to this out there, because America thinks this way.

Our biggest structural problem is a shortage of savings. And we have a shortage of savings available for investment because the national budget deficit absorbs 80 percent to 90 percent of the savings pool.

That is from the Washington Post on May 14, 1992.

My colleagues, calling new spending an investment does not make it so. If you doubt that gimmicks are being foisted upon this Nation by the majority party, let me quote from the ultimate liberal, George McGovern himself. Here is what he said:

I have a hunch that (Clinton and Gore) are much more liberal underneath, and will prove it when they're elected.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Mr. SOLOMON] has consumed 10 minutes.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

The previous speaker has listed such a litany of grievances against the majority that it is hard to know exactly where to start. But let me first say that as he well knows, the Director of the CBO is hired by both parties on a nonpartisan basis, so for him to suggest that the Congressional Budget Office is some organ of the Democratic Party is wrong.

Mr. SOLOMON. Will the gentleman yield on that?

Mr. DERRICK. Let me finish. You have your time.

And further, we are led to believe that the CBO has certified this whatever-you-call-it, the 10-percent solution I guess, is going to balance the budget. In a letter from the Director of the CBO dated September 10, to the gentleman from Michigan [Mr. WOLPE], he said, "Our calculations of the income tax checkoff proposal were purely illustrative. We have absolutely no basis to judge how many taxpayers would choose the checkoff and for how many years." So that again is not exactly the case that the CBO has cer-

tified that it would balance the budget. They say otherwise in a letter from the Director.

This is a political season, and I guess we are all supposed to get up on the floor and use it as pulpit to promote the various Presidential candidates. But I will say this: Someone asked me the other day, "Do you think our President would bring about a conflict, or go to war, or something like that just to try to win the election?" And I said, "Absolutely not. Absolutely not." I believe George Bush, even though I may disagree with him on some of his policies, is an honorable man.

□ 1450

That is why I am particularly offended when the prior speaker suggests the Democratic majority has some insidious motive in trying to keep people unemployed so they can win an election. That is absolutely absurd. That is crediting people of good will with other than good will. That is crediting people with a lack of patriotism for their country, and I think the gentleman owes this body, the American people, and the Democratic Party an apology.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to my good friend, the gentleman from South Carolina [Mr. DERRICK], that when I spoke, I spoke from my heart. I really believe in what I said.

The reason I do is the gentleman from Pennsylvania [Mr. WALKER], whom I am going to recognize in just 1 minute, has the President's economic recovery program in his amendment. You know, we can bring this on the floor.

There are so many parts of it that you agree with. I know you do, because you and I have discussed it. Many Members on the majority side agree with it. Things like the investment tax credit are so badly needed by the big IBM's and the big GE's, and by little middle-class Americans as well. The \$5,000 home buyer tax exemption—people need that so desperately today to get this economy going.

So if Members disagree with parts of the amendment offered by the gentleman from Pennsylvania [Mr. WALKER], we can defeat the previous question and allow a new rule to come back here. We can have everybody debate this bill, and if Members do not like parts of the Walker package, we can strike them out. At least, let us give the American people some confidence that we are addressing the needs of the country.

God knows, when we watch "Good Morning, America," or Dan Rather, or Tom Brokaw, and every single day they present negative analyses, they destroy the confidence of the American people to go out and buy and rebuild this economy; it is a shame.

Why do we not do something right on this floor? We can do it right now.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. WALKER], and I hope that this Congress will adopt his amendment. It is terribly important for jobs, jobs, jobs.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in opposition to the rule but in favor of the defeat of the previous question as the gentleman from New York will offer.

I used to come to the floor and say over and over again that I thought the Committee on Rules was malicious in what they were doing on some of these rules. You know, I have come to the conclusion they are not really malicious. They are just pathetic.

This rule is really an example of the pathetic nature of the process in the House of Representatives. Let me describe why.

We actually have an opportunity in this bill to address the issue of U.S. competitiveness. We had an amendment in the committee. It was offered in the subcommittee. It was offered in full committee. And that addressed the issues as we heard them expressed in the hearings, and the people who came before those hearings said that there were a lot of real issues affecting the American economy that needed to be addressed if we were going to address competitiveness.

We would like to bring that amendment to the floor. It was offered in the committee. We would like to offer it here.

It requires some waivers. It requires some germaneness waivers in order to bring that amendment to the floor. Now, the fact is that the Democratic Party also has a position on this, and they also want to bring a substitute to the floor. Their particular amendment also requires waivers in order to come to the floor. The Committee on Rules decided to grant the waivers to the Democratic Party to offer their measure, but decided not to grant the waivers to the Republican Party so that their measure could be offered.

In other words, it is pathetic. The Democrats are out here with a substitute that basically reflects language which is in a campaign document put out by the Clinton-Gore campaign. In fact, the chairman of the Committee on Science, Space, and Technology had said in testimony that Governor Clinton has blessed this thing with his approval.

Well, the substitute even contains a portion of S. 2987, which is a bill by Senator GORE. The companion bill to that was introduced in the House, and we have not had hearings in the Committee on Science, Space, and Technology yet. Now it is going to show up in this substitute with germaneness waived.

When the gentleman from South Carolina talks about promoting various candidacies out here, the candidacy being promoted is the Democrats who have decided to bring the Clinton-Gore campaign document to the floor but have decided not to allow the Republicans an equal opportunity to bring the President's economic program to the floor as a part of the competitiveness issue.

While the Committee on Rules is basically advancing the agenda of the Clinton campaign, they have, in their infinite wisdom, decided that it is inappropriate for the House to discuss issues supported by the President such as allowing the American people to have a direct say in reducing the public debt, making real reforms in antitrust and in product liability laws, and instituting changes in our Tax Code which would do more to spur competitiveness than any government spending program.

My amendment, if I were allowed to offer it, is the text of H.R. 5229, competitiveness legislation that was introduced by 17 members of the Republican side of the Committee on Science, Space, and Technology as well as 29 other Members. It was fully considered in the Committee on Science, Space, and Technology, but then it was stopped on a party-line vote.

I emphasize that my amendment here would not be a substitute for 5231, which is coming to the floor, but it is in addition to the bill that would make it more comprehensive, and more importantly, acceptance of my amendment would ensure that the President would sign the bill.

It would pay for the new spending that is in the Democratic proposals through the Taxpayer Public Debt Reduction Act. The amendment includes the President's proposal for allowing the American people a direct say in reducing our more than \$3 trillion in public debt. That is what really poses the greatest threat to our Nation's economic security and technological well-being, that \$3 trillion in debt.

The provision I am talking about would allow taxpayers to designate that up to 10 percent of their tax liability could be placed into a trust fund to be used only for one purpose, and that is to buy down the public debt. In order to prevent corresponding increases in the deficit, a dollar-for-dollar decrease in Federal spending would also be authorized by the people. In short, the issues raised in the Republican bill go to the heart of our competitiveness problem.

Let me say to the gentleman from South Carolina that I have also seen the letter that he referred to that was written to the gentleman from Michigan [Mr. WOLPE]. What the Committee on the Budget generally says in that letter is that, indeed, it did show exactly what I have been saying that it

showed. They said it was for illustrative purposes. Virtually everything that the Committee on the Budget does is for illustrative purposes, because it depends on what the information is you give the CBO as to what information you get back.

So he is absolutely correct. But they did not deny in any way that the material that was given to me in the report does exactly what it says it does, and that is, if the plan worked optimally that it would balance the budget in 5 years.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I quote from the letter. It says

We have absolutely no basis—we have absolutely no basis to judge how many taxpayers would choose the checkoff and for how many years.

Mr. WALKER. Precisely. And I will say to the gentleman that is true of all the budget proposals that the gentleman's party brings to the floor. What they do is they say if this were to work perfectly, what would the implications be? And that is exactly what we said. The gentleman is absolutely correct.

I will say to the gentleman that we have polling data indicating that about 70 percent of the American people like the idea, and about a similar number would utilize the tax credit, so it would not get \$50 billion, but it might get \$40 billion.

The gentleman does not even want to take a chance that we would have 40 billion dollars' worth of spending and debt reduction.

I would say that many of the American people would like to have that, but, you know, it would take maybe 6 years to balance the budget instead of 5 years to balance the budget. My guess is that the American people at the present time would settle for a budget that was balanced within 6 years and not 5. It might take us 15 years to buy down two-thirds of the permanent national debt rather than 12 years, as the study and other studies showed.

□ 1500

But the fact is we could get there.

So what I am saying is we were not given a fair shot here, and the only way we are going to have an opportunity to have our shot at the process is by defeating the previous question.

I would urge the House to do so.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to balance the budget; most Americans want to balance the budget. But we have listened to all of these crackpot schemes throughout the 1980's, many of which have come from across the way, many of which have come from 1600 Pennsylvania Avenue.

In the beginning of the 1980's we were led to believe we could spend ourselves

to the point of balancing the budget and doing away with the deficit.

Well, the great guru of those programs, David Stockman, who served with us here in the House for a period of time before he was appointed director of OMB, in his writings later said that they all knew it was a joke and they were just trying to pull the wool over the eyes of the American people.

We could come up with all these schemes, and all these schemes amount to is a bunch of politicians looking for a way not to have to make the hard decisions. The hard reality is the only way we can balance the budget is just like every American balances his budget: We must either spend less or take in more, or both.

Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. I thank the gentleman from South Carolina for yielding this time to me.

Mr. Speaker, I do not want to protract these proceedings, but as chairman of the subcommittee which handled this legislation on the Committee on Science, Space, and Technology, and which takes a great deal of pride in it, I thought it was time for me to say something in response to our colleague from Pennsylvania, Mr. WALKER.

The gentleman would have the colleagues—and I would ask those that are not on the floor, those who are watching from their offices, to please listen to what I am going to say. Mr. WALKER and others on the other side would have the House believe that the amendment which our committee sought in the Committee on Rules and the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] are similar amendments or about the same sort of thing, as it were.

Mr. Speaker, our amendment was a technical amendment in order to accommodate agreements which were made with other committees so that we could bring this legislation before this body for a vote before we quit.

On the other hand, Mr. WALKER's amendment, about which so much has been said with so much heat, would bring about a reduction in revenues of between \$100 billion and \$150 billion annually.

I wonder how the gentleman from Pennsylvania or any other can with a straight face say to this body that in a piece of legislation that came from the Committee on Science, Space, and Technology, that resulted from about 1½ years of hearings and over 100 witnesses, how it is expected to get the blessings of Mr. ROSTENKOWSKI; the gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary; the gentleman from Michigan, [Mr. DINGELL], chairman of the Committee on Energy and Commerce, get the acquiescence of those gentlemen

without any hearings, without any input into the process, to graft onto this legislation the following changes in the Tax Code: A permanent R&D tax credit, sliding-scale exclusion and indexing of capital gains, corporate deduction for dividends, investment tax credit of 10 to 20 percent for manufacturing equipment, exclusion of \$2,500 for dividends and interest, capital gains relief for new businesses, charitable contributions for employee services, more generous treatment of losses, ordinary loss treatment for certain corporate stock. And in addition to that, significant tort reform.

What do you think about that, Mr. BROOKS? Product liability changes; what does the Committee on the Judiciary think about that? And significant changes in antitrust law.

And to come in here with a straight face and with all the chest-pounding and say, oh, what a terrible thing it is that the Democrats won't allow that to be grafted, grafted onto a bill that came from a committee that has no jurisdiction in these areas.

So I wonder if the gentleman, Mr. WALKER, and his colleagues have been to the Committee on Ways and Means with these suggestions, have been to the Committee on the Judiciary with these suggestions, have been to the Committee on Energy and Commerce with these suggestions.

That is the way to go.

Mr. Speaker, we have got a good bill. Why try to graft onto it measures that they know have no business here?

I think it is unfortunate, it is unseemly, it is inappropriate, and I do not like it.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to take exception to what my good friend, the gentleman from North Carolina said. I like him, I respect him. But, you know, he says we cannot bring the Walker proposal to the floor because it might offend Mr. BROOKS and Mr. ROSTENKOWSKI, the chairmen of the Committee on the Judiciary and the Committee on Ways and Means. Mr. Speaker, they are both Democrats.

Elect a Republican Congress, and we will get that product liability reform bill out on this floor so fast even the lawyers will not know what happened.

The other gentleman over there, my good friend, the gentleman from South Carolina [Mr. DERRICK] spoke of crackpot schemes mentioned by Mr. SOLOMON and Mr. WALKER; crackpot schemes? Listen to him. The line-item veto, he is a sponsor of it. Do not talk about your own legislation that way. A balanced budget amendment to the Constitution. You know, these are not crackpot schemes. This is what people want.

We Republicans came within eight votes of passing a line-item veto on this floor, with some Democrat help.

Are they crackpots over there who voted with us? We had 280 votes for a balanced budget amendment. I think there were 115 Democrats who voted with us. Are they crackpots? Mr. Speaker, things are really out of kilter around here.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, we are suffering from an economic stagnation that comes, in large part, from too many taxes, enormous costs of tax compliance, too much uncontrolled Government spending. You know, tax-funded Government jobs now outnumber wealth-producing private sector jobs in manufacturing? There is too much senseless regulation and litigation that lack a positive impact on our lives and our work, but do cost us dearly in jobs.

The cost and availability of long-term investment capital in this country, patient capital, is so much higher than our major competitors. Product liability judgments have already brought the American general aviation industry to its knees. Others, such as the machine tool industry, have been severely damaged. Massive taxes, some estimate as high as \$300 billion to \$500 billion, resulting from excessive litigation.

We need to address the reform of this tort system, with its accompanying high costs and depressing effect on work and on innovation. So we have an opportunity today to pass comprehensive legislation to improve our competitiveness, provide jobs for Americans, create new jobs, and to boost those industries that are creating jobs; but the Committee on Rules would not allow us to consider the broad, far-reaching legislation that we need.

Addressing the gentleman from North Carolina, the fragmentation of committee responsibility in the House for this encompassing competitiveness issue continues to plague us. The rule we consider today does not focus on the larger issues. It fails to recognize that we need to change direction because the current business and economic climate slows innovation and depresses wealth creation by American manufacturers and American business.

That is the problem, not more Government spending or more Government programs. I think there are some very good programs in the majority bill, and I think that redirection of resources toward production and manufacturing is good. But unless you get to the heart of the matter—and that is where the jobs are produced—the effects are going to be relatively limited.

The package that the Committee on rules rejected, H.R. 5229, the Fundamental Competitiveness Act, contains proposals to address generic issues, to set a more favorable climate for U.S. competitiveness and the suc-

cess of American workers, particularly in manufacturing.

□ 1510

We could have voted on proposals to cut back on the deficit, provide incentives to increase capital for investment, for research, for development. We could have created an economic climate that fosters the possibility of hundreds of thousands of new jobs, boost our overall ability to compete.

We need the private sector incentives provided by our legislation, because that is where the jobs get created, incentives to invest in startup companies, changes in the capital gains tax to induce people to devote more resources to longer term investments to create new jobs, tax credits to encourage investment in productivity-enhancing equipment and machinery.

We know how many Democrats are in support of these measures. It is a shame. It is criminal almost, the committee structure, the way this House is set up does not allow a real creative competitiveness job-producing package to come to the floor of the House.

We had an exemption from income taxes of first \$2,500 from interest or dividends which would boost personal savings and make capital more available to our industries.

We established guidelines to limit some of this litigation madness in America and also to reform professional's liability, not just doctors, but engineers, architects, brokers, nurses, and people from all walks of life.

The National Competitiveness Act as promoted by the Democrats does contain some good features. I support manufacturing technology extension and advanced manufacturing and collaboration among high-tech firms and work force training.

I commend the shift again to funding priorities by the Federal Government, but Government funding with the use of taxpayer resources is not the answer. It is not even the majority of the answer. It is important, it is good, but it is not going to change things that much.

Mr. Speaker, I urge my colleagues to oppose this limiting rule.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I did not mean in any way to imply a few minutes ago that there are not some good ideas that come from across the way. I was just referring to most of them.

I supported the balanced budget amendment. It was offered by a Democrat, the gentleman from Texas [Mr. STENHOLM].

I support the line-item veto, which of course is offered primarily by Republicans and by the gentleman from New York [Mr. SOLOMON], and I commend the gentleman for doing it. But the point I was trying to make was that I do not blame one party a whole lot

more than the other. Maybe a little more of the blame lies on the other side of the aisle, but there is quite enough over here as well.

Throughout the 1980's we were presented with all these various gimmicks to balance the budget, to bring about some sort of fiscal responsibility in this country.

It started with Gramm-Latta back in 1981, which I voted for. If I had to do it over again, I would not vote for it. It was a vote I should not have cast. But I cast it and I now wish I had not because I see what it has done.

The American people are not interested in these gimmicks anymore. The American people out there know how to balance a budget. There is no great secret to it. There is no great mystery to it. One does not have to have a crystal ball to know how to balance a budget. One balances a budget in one of two ways, and it will always be that way regardless of what gimmicks or what laws we pass up here, regardless of what we try to hide behind up here: one either takes in more or spends less, or a combination of both.

Mr. SOLOMON. Mr. Speaker, will my good friend yield at this point just briefly?

Mr. DERRICK. I will yield to the gentleman from New York for just a moment.

Mr. SOLOMON. Mr. Speaker, two points. First, I want to commend the gentleman, because the gentleman is holding this Friday the first of two hearings on the line-item veto. He is one of the major sponsors, and we really deeply appreciate that.

Second, part of what the gentleman just said is absolutely right. You know, you can judge a Member of Congress on how much he contributes to that deficit by the votes he makes on the 13 appropriation bills.

I talked to the National Taxpayers' Union the other day about getting all these good government foundations together, footing the bill, and to size up the vote of every Member of Congress on those 13 appropriation bills since the budget accountability was put in effect in 1974. That would tell us who is responsible for the deficit.

The gentleman does make some sense and I commend him for it.

Mr. DERRICK. Let me say this, Mr. Speaker, if I may reclaim my time.

I think it goes deeper than that, just how one votes on appropriation bills.

I think the first measure of whether one is serious about balancing the budget is what one does back home. I am not going to tell you that I could hang my hat on every vote that I have cast, but I will tell you this, and I make the gentleman this challenge. Since I have been in the U.S. Congress since 1975, I have fought \$2½ billion worth of projects coming to my district, because I thought they were wasteful even though they were coming to my district.

Many people back home signed my political epitaph because I did that.

I won on one of the projects and I lost on the other. I lost on a \$700 million project, and on the other I won.

There is a large blob of cement out in a field in my district that saved the American people, in my opinion, almost \$2 billion.

So I will tell the gentleman and make the challenge that it is not only what one does up here and how he votes. One can always switch his votes around. It is what one does back home.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I want to thank my colleague, the gentleman from South Carolina, for yielding me this time.

Mr. Speaker, I rise in strong support of the rule.

I understand the gentleman from Pennsylvania is concerned that the rule should not be approved because he is not permitted to offer an amendment that would allow taxpayers to designate 10 percent of their tax liability to reduce the national debt.

Mr. Speaker, I think the Rules Committee is absolutely right. I cannot understand how that type of amendment would be germane to the legislation that is before us.

Let me talk for a moment, if I might, about the merits of that particular suggestion. It is a suggestion that has recently been endorsed by the administration and represents a flip-flop by the administration. It seems to me the administration is now looking at the political polls, rather than looking at the merits of the particular suggestion.

Let me just inform the Members of the House that 4 months ago, on May 21, 1992, Terrill Hyde from the Treasury Department in testimony before the Ways and Means Committee, commenting on this proposal, suggested:

We have consistently opposed proposals that would have added voluntary check-offs to the tax return, regardless of how meritorious the beneficiary. For example, we have opposed check-offs for such worthwhile causes as a fund for the reduction of the public debt.

The Treasury Department recognizes the lack of merit of this particular proposal and goes on to comment why, because it creates complexity, confusion, and administrative burdens.

Mr. Speaker, I wonder how the gentleman would feel about additional check-offs where people do not like a particular war that we are fighting or for some environmental decision that we are making, who do not like where we may want to place a penal facility, or allow the taxpayers to have a voluntary check-off on their taxes for those purposes if they do not like the way we spend their money.

This proposal would compromise representative government and should not be considered by this House.

Reducing the debt should be the top priority of this Congress. We need to come up and have the courage to deal with specific proposals to reduce the national debt. We do not need another gimmick, and that is exactly what that proposal would be.

Chairman PANETTA had the courage to come forward with specific proposals. That is what we need.

Mr. Speaker, I urge the House to approve the rule suggested by the Rules Committee so that we can get on with the business of this Congress and take up the National Competitiveness Act.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker I rise in strong opposition to this rule, because it fails to allow this body to consider one set of proposals that would truly restore competitiveness in this country.

Mr. Speaker, I rise in strong opposition to this rule. The rule fails to allow this body to consider the one set of proposals that would truly restore the competitiveness of American businesses.

The notion that this body would consider a bill titled the "National Competitiveness Act" without discussing capital gains taxes, without discussing R&D taxes, without discussing legal reform, without discussing product liability reform, and without discussing savings and investment incentives is absurd. This rule has been deliberately written so that when my colleague from Pennsylvania offers his amendment that includes these proposals, it will be ruled out of order.

While I have argued vigorously for reform in all the areas I have already mentioned, there is another, overregulation of our economy, which may very well be the greatest barrier of all to our Nation's competitiveness. Overregulation in this country has reached epidemic proportions.

The direct and indirect costs of unnecessary and burdensome regulations are sucking the vitality out of our businesses, forcing wasteful reallocation of resources, reducing productivity and stifling innovation. The direct cost of regulations is estimated to add up to a staggering \$400 to \$500 billion annually. Yet, if we consider the indirect cost of regulations it could be anywhere from \$800 billion to \$1.6 trillion per year. While such a great level of our Nation's resources are being diverted toward so many ill-conceived regulations, our country is receiving very little in return.

We are faced with a huge Federal bureaucracy of overzealous regulators controlled by liberal special interests, ignoring cost/benefit analysis and concerned with validating their own existence.

It is through this process that regulators classify children's teeth as toxic waste, force banks to make drive-through teller machines accessible to blind drivers, require hard hats to be disinfected before each use, and dictate that employers must keep on hand at all times material safety data sheets that tell employees

that submerging their head in water could lead to drowning.

Just this one section of the Walker amendment would go a long way toward alleviating the regulatory burden on this country—a direction that is absolutely critical to America's economic growth and competitiveness. It would bring rationality into the regulation writing and review process so that businesses and consumers in this country can actually expect the benefits from a regulation to be greater than its cost and that the regulation actually addresses real need.

The rule before us fails to acknowledge the true importance of this proposal or of any other proposal included in the Walker amendment.

I urge my colleagues to vote no on this rule and to allow for a real debate on solving the problems of competitiveness in this country.

#### GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the legislation now under consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL], the chairman of the Pork Buster Task Force.

□ 1520

Mr. FAWELL. Mr. Speaker, not many of our constituents, of course, realize how the Committee on Rules can so stifle debate. A good example is this rule. Here we are, dealing with a subject of immense importance to America: economic competitiveness and how best to create jobs and wealth. The Democrats have one version that will be debated and voted upon. The Republicans have one; no way will the Committee on Rules allow that to be debated. So, Mr. Speaker, the people of America cannot hear what we have to say.

I have been here long enough to know that this is what the minority continually has to put up with, but I think it is especially unfortunate at this time during a presidential election period because we have two economic competitiveness bills which are of different philosophies which try to jumpstart the economy.

The gentleman from Pennsylvania [Mr. WALKER] talks about the fact that people create jobs and people create wealth, not the Congress. I think the Democrat Party believes that actually Congress creates jobs and Congress creates wealth.

Mr. Speaker, I would like to focus just for a short time on one of the most innovative aspects of the proposal of the gentleman from Pennsylvania [Mr. WALKER]. I know it is called gim-

mickry and all kinds of things by those folks over there, but the measure proposes that individual taxpayers are empowered to buy down the annual deficits, and, by gosh, if we cannot do something like that, because everything else this body has done has failed, I do not know what we can do.

By checking off a box on their tax returns citizens would be able to contribute up to 10 percent of their annual Federal income tax liability to a public debt reduction fund and, to ensure the taxpayers' contributions to the fund will not be offset by higher outlays, which is what this Congress would do; we would just spend that much more, the buydown would be matched by equivalent across-the-board spending cuts of all Federal programs with the exception of Social Security.

Now politics will prevail though, and even though Congress has not balanced a budget for 23 years in a row, for 31 out of the last 32 years—I guess Eisenhower and Truman were the last ones who thought it was at all important, and even though the debt is \$4 trillion, and we have \$300 billion just to pay interest on the national debt, we will add a half trillion dollars new in 1992 and a half trillion dollars in 1993, and still the Democrats, who refuse to stop their profligate overspending have a thousand reasons why we cannot give power to people to force Congress to systematically start reducing the deficit.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I do not know if the gentleman from Pennsylvania [Mr. WALKER] is here. I wish he were.

Mr. Speaker, this is a gimmick, another in a long string of gimmicks on deficits and fiscal policy. The fact is that fiscal policy in this country has been reckless, dangerous, and irresponsible.

Some say it is all the fault of Congress. Well, it is not all the fault of Congress. There is plenty of blame to go around here in the congressional body. The responsibility, it seems to me, of Congress was that we follow the President's lead. This President and the one before him has asked for the largest deficits in the history of this country. And, unfortunately, this Congress did not say, "No." We said, "All right."

Mr. Speaker, I would like to ask my friend from Pennsylvania [Mr. WALKER] or my friend from New York [Mr. SOLOMON] a question if they are willing to answer. The question is:

"Could you tell me what the President has requested for a budget deficit for this coming fiscal year?"

Now I am talking, not about what Congress is doing; I am talking about what the White House has sent to Con-

gress in its request for deficits for the next fiscal year. Could either the gentleman from New York or the gentleman from Pennsylvania tell me that?

Mr. Speaker, the reason I ask the question is the gentleman from New York [Mr. SOLOMON] a while ago said that Congress is out of control, and of course the gentleman from Pennsylvania says that all the time. So I would just ask these gentlemen if they can tell us what the President has requested for a budget deficit next year.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I think it is somewhere around \$270 billion.

Mr. DORGAN of North Dakota. Mr. Speaker, is the gentleman from Pennsylvania kidding?

Mr. WALKER. No.

Mr. DORGAN of North Dakota. The gentleman has not even read the budget document?

Mr. WALKER. Well, I have read the document. I said I think it is somewhere in the vicinity \$270 billion is what the request is.

And I will say that also the President has requested a number of other things to try to reduce the deficit numbers, and this Congress has consistently opposed them. They will not pass the balanced budget amendment, they will not pass line-item veto, they will not do anything to bring down the numbers—

Mr. DORGAN of North Dakota. Reclaiming my time, Mr. Speaker, I want to tell the gentleman the answer, and it surprises me that the gentleman on every single issue is on the floor beating up on Congress about deficits and he does not know what the President proposed.

The President in his budget for next year proposed that we have a deficit of \$350 billion, but it is higher than that because he, in my judgment, as some in Congress do, used the Social Security surplus to reduce it.

Mr. WALKER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair hears a demand that the words be taken down.

The Clerk will report the words.

□ 1525

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair recognizes the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I ask unanimous consent to withdraw the use of the word, "dishonest."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman is now saying that that was an incorrect term?

Mr. DORGAN of North Dakota. Mr. Speaker, if the gentleman will yield, it was, in the context in which I used it.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The SPEAKER pro tempore. The Chair understands that the gentleman from Pennsylvania [Mr. WALKER] therefore withdraws his request that words be taken down.

The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

Mr. DERRICK. Mr. Speaker, I yield 2 additional minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, let me point out that what I have said on the floor on previous occasions and what I would allege today once again is that the process, no matter where it originated, whether it was in the White House or in this Congress, in my judgment we have a process that is terribly flawed because it uses Social Security revenue to reduce the budget deficit. That is what has happened in the President's budget.

The budget deficit that he proposed in January proposed about a \$350 billion budget deficit.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. It actually is about a \$420 billion budget deficit, reduced by some \$70 billion of Social Security surplus. And when he does that, then he says, "The budget deficit I propose for the next year is about \$350 billion."

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I have a copy of the budget here, and I go now to part 1, page 8. I think I was fairly close. This says, 1993, \$274.9 billion. It seems to me that is pretty close to the right figure.

Mr. DORGAN of North Dakota. Mr. Speaker, I reclaim my time. I say to the gentleman from Pennsylvania [Mr. WALKER] that if he would hold that up, not only for all the folks in this Chamber but for the people in the country that might be listening, he will find out he is holding up the budget for the wrong year. The budget the gentleman is holding up says 1992 on it. The budget the President sent to us in February of this year is the 1993 budget, and that was the question I put to the gentleman.

Mr. WALKER. Mr. Speaker, I have the budget deficit for 1993. In 1993 it is

for \$274.9 billion. The gentleman does not know what he is talking about.

Mr. DORGAN of North Dakota. Mr. Speaker, reclaiming my time, I did not yield time to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The gentleman from North Dakota [Mr. DORGAN] has the time.

Mr. DORGAN of North Dakota. Mr. Speaker, the point I was asking the gentleman from Pennsylvania, and he apparently misunderstood was that in February of this year, when the President sent us the budget asking for budget deficits for the coming year, what did he ask for in the next year? The gentleman went and got last year's budget. In 1993, I say to the gentleman from Pennsylvania [Mr. WALKER], the President asks for a budget deficit of \$350 billion.

Mr. Speaker, I would ask the gentleman from New York [Mr. SOLOMON] this: Does the gentleman think that the President is out of control when he proposes a budget of \$420 billion and then uses the Social Security surplus next year to reduce it to \$350 billion?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would be glad to answer the gentleman. You give us a Republican House and Senate, and we will balance that budget in 5 years.

Mr. DORGAN of North Dakota. Mr. Speaker, I would point out that the gentleman did not answer the question. Let me state the reason why I asked the question.

The SPEAKER pro tempore. The time of the gentleman from North Dakota [Mr. DORGAN] has again expired.

Mr. DERRICK. Mr. Speaker, I yield 2 additional minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. The only reason I am going through this is not to ask you, or your side, chapter and verse on the numbers or on the deficit the President has proposed to this Congress. It is only to say to you, when you point to the Democrats and say, "They are the big spenders," the fact is that this President's budget cannot be avoided. It requests the largest deficit in history, for \$1 billion a day every day for the next 5 years. If we said yes and agreed to everything this President asks, we would have a \$6 trillion debt in this country by 1998.

My point is that this checkoff on the income tax system is the gimmick of all gimmicks. It will either do one of two things. It will increase the Federal deficit at a time when we are choking on a \$4 trillion debt and a proposed \$350 billion deficit, or the gentleman is saying, "Let's cut Medicare, let's cut Medicaid, and let's continue to cut on and on and on."

I would like to see precisely what you are going to cut. If you are not going to increase the deficit, you are going to do one of two things. So I would just like to hear chapter and verse of what it is going to be. That is the only reason I came here and asked these questions about the deficit.

I for one am just a little tired of hearing you point at this side and say that these are only our deficits. These deficits come from the White House. Our failure in my judgment is to follow the lead of a President's fiscal policy that is dangerous to this country's future.

The SPEAKER pro tempore. The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was not pointing at that side of the aisle as a whole. I was pointing to part of that side, the liberal side. There are about 37 good conservative Democrats over there.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, let me say to my colleagues that often in a debate on the rule Members who are opposing the rule oppose the rule because they oppose the underlying legislation. I support the competitiveness legislation, and I will speak on its behalf at the appropriate moment. But I want to very strongly express my dissatisfaction and my opposition to the rule.

When will the majority ever wake up? It would make a lot more sense for this body to spend an hour of debate on the substance of some of the substantive disagreements between our caucuses on how to best move this Nation's economy forward than an hour of debate on a rule which prohibits us from offering a constructive amendment.

The amendment the gentleman from Pennsylvania [Mr. WALKER] sought to introduce was not an amendment to strike the bill. It was not an amendment to take out any provision of that bill. It was a provision to add to it, and it was an amendment which you have called crackpot schemes.

Since when is trying to get hold of the terrible problem of product liability in business a crackpot scheme? In my State of Michigan the tool and die and the machine tool industry are critical components of our industrial economy. They make the tools. They are the infrastructure of the infrastructure. In the last year for which we have data the machine tool industry spent four times more on product liability costs than it spent on research and development. No wonder we are in trouble in this country.

What does the gentleman's amendment seek to do? It reforms product liability and at the same time gives an incentive on a permanent basis for more research and development in this industry. Is that a crackpot scheme?

The same Members who have sent us "Dear Colleague" letters on behalf of the National Coalition for Advanced Manufacturing and National Association of Manufacturers that support the bill before us also support the provisions in the amendment of the gentleman from Pennsylvania.

When will we learn? When will we learn that it makes more sense to debate the substance in free and open debate instead of cutting it off and dividing us needlessly in these procedural guffaws.

Mr. Speaker, I opposed the rule in an elementary quest for fairness and also free and open debate and accountability to these members of the American public which we represent and who have a right to know where we stand on these issues.

Mr. SOLOMON. Mr. Speaker, we only have one last speaker to close on our side. If the gentleman has no other speakers other than the one to close, in that case I yield the balance of our time, 2 minutes, to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, we have heard a number of things in the course of the afternoon from the Democrats, most of them wrong.

This has been called a gimmick. It buys down the national debt. It is not simply a checkoff. It actually buys down debt and cuts spending in order to make it happen.

The gentleman from South Carolina told us the American people know how to balance the budget. They sure do, and they would like to see it done. All this does is suggest that maybe that ought to be made a part of the process. And the Democrats, of course, cannot allow that to happen because that takes away their power base.

The gentleman from North Carolina [Mr. VALENTINE] told us there were no hearings on this bill. In fact, there were hearings in our committee. I wish you could have been there. He said that there are revenue losses in this bill. That is what they are really worried about, because what they really like is taxation, and they are really worried about the fact that they are going to lose all those tax revenues.

The fact is that we balance off those tax revenues with spending cuts, and it is not just with spending cuts through a gimmick. It has real teeth in it. As a matter of fact, people who have looked at this idea of debt buy-down say that it is not just teeth, it is fangs.

That is what they are worried about, that we end up having real spending cuts. And we were told that tort reform is something that has not been acted on. In fact, the tort reform in our substitute, or in our amendment, has been reported out of the Committee on the Judiciary but has not been brought to the House floor because the trial lawyers, I guess, are just too powerful.

We have an opportunity by voting down the previous question to get an amendment on the floor that would make some permanent debt reduction. If that is the No. 1 issue we ought to be addressing here, like the gentleman from Maryland told us, then we ought to be doing something. We have not had debt reduction on the floor yet this year. We ought to get it out here. With this we would have an opportunity to do that.

We have antitrust reform in this amendment, we have product liability reform, and we have Tax Code changes that would improve the investment climate in this country. That is what voting down the previous question will give us an opportunity to consider.

Here is the interesting thing: If we do not like certain provisions in the amendment, we have a chance to knock them out. If there is something in there we do not like, we can offer amendments to the amendment and knock them out, but we do not even want to debate these issues on the floor. I think it is time to debate them. It is clear what all the Democrats believe is good for the country in taxation, regulation, and litigation. Every proposal they bring before the House is for more taxation, regulation, and litigation. That is true with this bill also. We ought to have a chance to change it.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for the balance of his time.

Mr. DERRICK. Mr. Speaker, quite frankly, were I a citizen of this country sitting out there watching this, it would turn my stomach. I would wonder, what in the world are those guys thinking about up there?

I remember most of the schemes we had during the 1980's and even back into the 1970's. When I came here in 1975, the Budget Act had just been passed after a tremendous amount of debate, and one of the great advertisements of the Budget Act was that it was going to help balance the Federal budget. At that time, as I recall, the average deficit was \$50 billion to \$60 billion.

Then I remember that we came along and Gramm-Latta was going to balance the Federal budget. We elected a President in 1980 who was going to balance the Federal budget by 1983. We elected another one in 1988 who was going to balance the budget in a certain time.

We have seen any number of constitutional amendments and statutory proposals that were going to balance the budget. We have seen the line-item veto. We have seen all of these things. Of course, not all of them have been passed.

The list goes on so long that I really cannot recall them all.

□ 1540

But all of these things are gimmicks. They are gimmicks conjured up by politicians trying to protect themselves from being blamed by their constituents for not doing what they and their constituents know they should have done. As far as I am concerned, this is just another one of those gimmicks.

I go back to what I said earlier this afternoon. To balance a budget, one must either take in more money or spend less, or a combination thereof. The gentleman from Michigan [Mr. HENRY], when he was speaking here, said he thought we should deal with more substantive matters, and I could not agree with him more.

I would say that 90 percent of this debate has not been substantive. It has been trying to see who had a gimmick and who did not have a gimmick. But until we are willing as a Nation to make hard choices, we are never going to balance the budget.

I spoke to a Rotary Club about 2 weeks ago in Easley, SC. It is not a large community. There was a very distinguished group of people there.

A young banker I have known for a long time said, "Congressman, tell me: who is really at fault, the Democrats or the Republicans, for this horrible deficit we have?"

I will tell you what I told him. I said, "They are both at fault."

There is enough blame to go around. Over the last 12 years we have only had one time that this Congress has passed out a budget that had a larger deficit or a larger expenditure than that which was sent to us from the White House. Now, that is a fact. These are Presidents who for 12 years have told us that they were fighting to balance the budget. But the Congress is at fault, too, both Democrats and Republicans, because we have joined in with these Presidents and passed these budgets.

So let us quit fooling around. We know that no matter who is elected President the next time, if we are going to bring fiscal sanity to this country, there is going to have to be cuts and there is going to have to be additional income. It is not going to be done in one great swoop, but over a period of time, and I pray that this Congress and whoever the next President is will have what it takes to do that.

Mr. PEASE. Mr. Speaker, I rise in support of the rule. I would like to address a provision in the gentleman from Pennsylvania's amendment that I find especially laughable. While I don't know whether to characterize the President's position on this issue as a flip or a flop, I do know that the administration has consistently and correctly opposed proposals that would add voluntary checkoffs to the tax return. As recently as this past May, an administration official stated the President's position as follows:

If this principle were accepted—that taxpayers may designate the uses for which

their tax dollars are spent—our entire budgetary process would be undermined.

The official further noted the President's position that:

No taxpayer \* \* \* should have a direct say over the way the Government spends their tax dollars, as opposed to the influence they exert through the normal political processes and the ballot box.

Furthermore, on substance, the 10-percent checkoff is simply a bad idea. While the currently unnamed and therefore politically painless spending cuts that would go along with the checkoff would affect all citizens, only people paying income taxes would be voting. By this yardstick, the well-to-do would have many votes, while low- and middle-income Americans would have significantly less clout. I find this idea to be profoundly undemocratic, one that offers the haves the opportunity to once more take away from the have-nots.

We all know that cynical populist appeals such as this 10-percent checkoff are too tantalizing for the President and his supporters to pass up at this stage of his election campaign. How could he pass up yet another chance to give the impression that he is doing something about our Nation's budgetary problems without being required to make the tough decisions that every responsible legislator in this body, Republican or Democrat, knows must be made. I urge my colleagues to support the rule.

Mr. LENT. Mr. Speaker, I rise in opposition to the rule for consideration of H.R. 5231 as it does not make in order the Walker amendment—an amendment which contains much-needed product liability reform.

The current tort system, with its excessive transaction costs and delays, often fails to provide adequate compensation to persons injured by products. Plaintiffs are receiving less than half of total legal expenditures. The only group that benefits from these excessive transaction costs is that of the trial lawyers.

Additionally, uniform product liability laws would enhance the ability of our manufacturers to compete with foreign companies. American manufacturers face product liability costs that are 20 to 50 times higher than those of their foreign competitors.

I urge my colleagues to defeat this rule so that we may consider the Walker amendment which views competitiveness as more than just Government money for research, and ensure that funds go to research and not to lawyers and legal fees.

Mr. FISH. Mr. Speaker, I regret that the substitute amendment proposed by the gentleman from Pennsylvania [Mr. WALKER] was not made in order by the Rules Committee. Among other things, title III of the Walker substitute proposed to extend important antitrust protections to production joint ventures—the same protections which we have already provided to research and development joint ventures since 1984.

I strongly believe that production joint venture legislation would enhance America's competitive strength in a very fundamental way. It would provide important incentives for cooperation by American businesses that otherwise are competitors in the marketplace. Such legislation would encourage joint production operations on the part of America's high-tech-

nology companies as well as our more traditional basic industries. Such legislation would permit entrepreneurial enterprises to remain independent. It would allow companies of all sizes to jointly produce and then compete, which alone they might not be able to do.

The National Cooperative Research Act of 1984—Public Law 98-462—provided that research and development joint ventures cannot be considered per se, or automatic, violations of the antitrust laws but must be examined under the more flexible rule of reason test. In order to find an antitrust violation under this standard, the courts must find that the pro-competitive benefits of the venture are outweighed by its possible anticompetitive effects. The NCRA also limits antitrust liability to actual (single) damages, plus attorneys fees and interest, rather than the treble damages otherwise provided under section 4 of the Clayton Act. In order to qualify for these two benefits R&D joint venture members are required to file written notification with the Department of Justice and the Federal Trade Commission, naming the participants in the venture and outlining in general terms the nature and objectives of the project.

A bill which I first introduced in the 101st Congress, H.R. 2264, proposed to take an important step beyond existing law. It extended the protections now afforded R&D joint ventures to joint production activities which have been noticed to the antitrust enforcement agencies. Thus, they, too, will be judged under the rule of reason and would be at risk only for the imposition of single damages. My bill did not provide antitrust immunity; neither does the NCRA. It simply enlarged the extent of legal certainty and business confidence by requiring application of the rule of reason standard and providing a new limitation on the amount of antitrust damages that can be awarded. My bill was used as the model for legislation (H.R. 4611) which eventually was approved by the House Judiciary Committee. Unfortunately, restrictive language was added which somewhat limited the overall benefits of the bill. Although H.R. 4611 passed the House on June 5, 1990, it was not acted upon by the other body.

In the 102d Congress, I again introduced my bill as H.R. 27. On June 19, 1991, over 1 year ago, the House Judiciary Committee ordered reported legislation. (H.R. 1604) patterned after my bill. Once again, the committee included language limiting foreign participation in such protected ventures to 30 percent beneficial ownership and requiring all manufacturing operations to be on U.S. soil.

The Senate, meanwhile, has passed a bill, S. 479. The Senate bill contains language whereby the production joint venture must provide substantial benefits to the U.S. economy. In addition, the joint venture must locate its principal manufacturing facilities within the United States or its territories, or locate them in a country whose antitrust laws provide national treatment to U.S. entities that are parties to the venture. National treatment means treatment must be no less favorable to U.S. participants than to its own domestic participants.

Despite the refusal of the Rules Committee to allow the Walker substitute as an amendment to the National Competitiveness Act, I

remain hopeful that a compromise can be worked out with the Senate on production joint venture legislation before the 102d Congress adjourns. Its enactment would be a major achievement for this Congress. In my view, it will be good for American business, good for the American working man, good for our balance of payments, and good for our economic recovery.

Mr. GILCREST. Mr. Speaker, I rise in opposition to the proposed rule. Important parts of the Brown substitute, made in order by the rule, were not considered by the committee during its extensive review of this legislation, and the Brown substitute contains material that is not germane. On the other hand, an amendment offered by Mr. WALKER, which is also not germane and subject to points of order, was not protected by the rule. Where is the fairness in the rule? At least Mr. WALKER's amendment, in the form of H.R. 5229, has been available for Members to review since May.

Mr. Speaker, the merits of the Walker amendment deserve to be debated on the House floor.

The Brown substitute seeks to establish new Federal Government spending programs to aid competitiveness without removing current Federal roadblocks to economic growth. To consider such a proposal without allowing similar discussion of the Walker proposal is like discussing planting new seeds in a known tree-killing environment. Let's debate provisions that will help trees grow, not just throw more seeds into the ground.

There is strong consensus among economists that the major problem facing our economy is lack of investment. By making permanent the tax credit for R&D, providing investment tax credits, indexing corporate assets, and providing incentive for long-term individual investment in corporations, the Walker amendment would encourage the sort of investment necessary to regain and retain our competitiveness.

I urge my colleagues to defeat the rule. Let's debate the merits of both the Brown and Walker proposals. Do we provide the means and incentives necessary to encourage private sector investment, or do we want the Federal Government picking winners and losers? Do we do away with existing tax and legal barriers or do we spend more taxpayer money on an untested Federal program? Let's defeat the rule and debate these questions addressing the real issues.

Let's have fairness in the rule for the sake of economic growth and competitiveness; don't adopt a rule for the sake of partisan wrangling. Let the House work its will on both measures.

Mr. Speaker, if we vote for this rule, we can all go back to our districts and tell our constituents we were going to protect your job, but it wasn't germane. We could have voted for economic growth, but it might have offended certain committee chairmen. We had the chance to enhance U.S. competitiveness but it wasn't within the scope of the Science Committee. The American people don't care about germaneness, or committee chairmen, or committee rules. They care about jobs. Let's vote down this rule.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I

move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 163, not voting 28, as follows:

[Roll No. 393]

YEAS—241

Abercrombie	Fazio	McMillen (MD)
Ackerman	Feighan	McNulty
Alexander	Flake	Mfume
Anderson	Foglietta	Miller (CA)
Andrews (ME)	Ford (MI)	Mineta
Andrews (NJ)	Frank (MA)	Mink
Andrews (TX)	Frost	Moakley
Annunzio	Gaydos	Mollohan
Applegate	Gedensson	Montgomery
Aspin	Gephardt	Moody
Bacchus	Geren	Moran
Beilenson	Gibbons	Mrazek
Bennett	Glickman	Murphy
Berman	Gonzalez	Murtha
Bevill	Gordon	Natcher
Bilbray	Guarini	Neal (MA)
Blackwell	Hall (OH)	Neal (NC)
Bonior	Hamilton	Nowak
Borski	Harris	Oakar
Boucher	Hatcher	Oberstar
Brewster	Hayes (IL)	Obey
Brooks	Hefner	Olin
Browder	Hertel	Oliver
Brown	Hoagland	Ortiz
Bruce	Hochbrueckner	Orton
Bryant	Horn	Owens (NY)
Bustamante	Hoyer	Owens (UT)
Byron	Hubbard	Pallone
Campbell (CO)	Hughes	Panetta
Cardin	Hutto	Parker
Carper	Jefferson	Pastor
Carr	Jenkins	Patterson
Chapman	Johnson (SD)	Payne (NJ)
Clay	Johnston	Payne (VA)
Clement	Jones	Pease
Coleman (TX)	Jontz	Pelosi
Collins (IL)	Kanjorski	Penny
Collins (MI)	Kaptur	Perkins
Condit	Kennedy	Peterson (FL)
Cooper	Kennelly	Peterson (MN)
Costello	Kildee	Pickett
Cox (IL)	Klecza	Pickle
Coyne	Kolter	Poshard
Cramer	Kopetski	Price
Darden	Kostmayer	Rahall
de la Garza	LaFalce	Rangel
DeFazio	Lancaster	Ray
DeLauro	LaRocco	Reed
Derrick	Laughlin	Richardson
Dicks	Lehman (CA)	Roe
Dingell	Lehman (FL)	Roemer
Dixon	Levin (MI)	Rose
Donnelly	Lewis (GA)	Rostenkowski
Dooley	Lipinski	Rowland
Dorgan (ND)	Lloyd	Roybal
Downey	Long	Russo
Durbin	Lowe (NY)	Sabo
Dwyer	Luken	Sanders
Dymally	Manton	Sangmeister
Early	Markey	Sarpalius
Eckart	Martinez	Savage
Edwards (CA)	Matsui	Sawyer
Edwards (TX)	Mazzoli	Schroeder
English	McCloskey	Schumer
Erdreich	McCurdy	Serrano
Espy	McDermott	Sharp
Evans	McHugh	Sisisky

Skaggs  
Skelton  
Slattery  
Slaughter  
Smith (FL)  
Smith (IA)  
Spratt  
Staggers  
Stallings  
Stark  
Stenholm  
Stokes  
Studds  
Swett

Swift  
Synar  
Tallon  
Tanner  
Tauzin  
Taylor (MS)  
Thomas (GA)  
Thornton  
Torres  
Torrice  
Traffant  
Unsoeld  
Valentine  
Vento

NAYS—163

Allard	Gunderson	Paxon
Allen	Hall (TX)	Petri
Archer	Hammerschmidt	Porter
Armey	Hancock	Pursell
Baker	Hansen	Quillen
Ballenger	Hastert	Ramstad
Barrett	Hefley	Ravenel
Barton	Henry	Regula
Bateman	Herger	Rhodes
Bentley	Hobson	Ridge
Bereuter	Holloway	Riggs
Bilirakis	Hopkins	Rinaldo
Bliley	Horton	Ritter
Boehlert	Houghton	Roberts
Boehner	Hunter	Rogers
Broomfield	Hyde	Rohrabacher
Bunning	Inhofe	Ros-Lehtinen
Burton	Jacobs	Roth
Callahan	James	Roukema
Camp	Johnson (CT)	Santorum
Campbell (CA)	Johnson (TX)	Saxton
Clinger	Kasich	Schaefer
Coble	Klug	Schiff
Coleman (MO)	Kolbe	Schulze
Combest	Kyl	Sensenbrenner
Coughlin	Lagomarsino	Shaw
Cox (CA)	Leach	Shays
Crane	Lent	Shuster
Cunningham	Lewis (CA)	Skeen
Dannemeyer	Lewis (FL)	Smith (NJ)
Davis	Lightfoot	Smith (OR)
DeLay	Livingston	Smith (TX)
Dickinson	Lowery (CA)	Snowe
Doolittle	Machtley	Solomon
Dreier	Marlenee	Spence
Duncan	Martin	Stearns
Edwards (OK)	McCandless	Stump
Emerson	McCollum	Sundquist
Ewing	McCrery	Taylor (NC)
Fawell	McDade	Thomas (CA)
Fields	McEwen	Thomas (WY)
Fish	McGrath	Upton
Franks (CT)	McMillan (NC)	Vander Jagt
Galleghy	Meyers	Vucanovich
Gallo	Michel	Walker
Gekas	Miller (OH)	Walsh
Gilchrest	Miller (WA)	Weldon
Gillmor	Mollinari	Wolf
Gilman	Moorhead	Wylie
Gingrich	Morella	Young (AK)
Goodling	Myers	Young (FL)
Goss	Nichols	Zelliff
Gradison	Nussle	Zimmer
Grandy	Oxley	
Green	Packard	

NOT VOTING—28

Anthony	Fascell	Scheuer
Atkins	Ford (TN)	Sikorski
AuCoin	Hayes (LA)	Solarz
Barnard	Huckaby	Towns
Boxer	Ireland	Traxler
Chandler	Lantos	Washington
Conyers	Levine (CA)	Waters
Dellums	Mavroules	Weber
Dorman (CA)	Morrison	
Engel	Nagle	

□ 1605

The Clerk announced the following pair: On this vote:

Mr. AuCoin for, with Mr. Dorman of California against.

Mr. GUNDERSON, Mr. HALL of Texas, and Mrs. JOHNSON of Connecticut changed their vote from "yea" to "nay."

Messrs. HOAGLAND, EVANS, MILLER of California, and ENGLISH changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 160, not voting 31, as follows:

[Roll No. 394]

## AYES—241

Abercrombie	Fazio	McCurdy
Ackerman	Feighan	McDermott
Anderson	Flake	McHugh
Andrews (ME)	Foglietta	McMillen (MD)
Andrews (NJ)	Ford (MI)	McNulty
Andrews (TX)	Frank (MA)	Mfume
Annuzio	Frost	Miller (CA)
Anthony	Gaydos	Mineta
Applegate	Gejdenson	Mink
Aspin	Gephardt	Moakley
Bacchus	Geren	Mollohan
Bellenson	Gibbons	Montgomery
Bennett	Glickman	Moody
Berman	Gonzalez	Moran
Bevill	Gordon	Mrazek
Bilbray	Guarini	Murphy
Blackwell	Hall (TX)	Murtha
Bonior	Hamilton	Nagle
Borski	Harris	Natcher
Boucher	Hatcher	Neal (MA)
Brewster	Hayes (IL)	Neal (NC)
Brooks	Hefner	Nowak
Browder	Hertel	Oaker
Brown	Hoagland	Oberstar
Bruce	Hochbrueckner	Obey
Bryant	Horn	Olin
Bustamante	Hoyer	Olver
Byron	Hubbard	Ortiz
Campbell (CO)	Hughes	Orton
Cardin	Hutto	Owens (NY)
Carper	Jacobs	Owens (UT)
Carr	Jefferson	Pallone
Chapman	Jenkins	Panetta
Clay	Johnson (SD)	Parker
Clement	Johnston	Pastor
Coleman (TX)	Jones	Patterson
Collins (IL)	Jontz	Payne (NJ)
Collins (MI)	Kanjorski	Payne (VA)
Condit	Kaptur	Pease
Cooper	Kennedy	Pelosi
Costello	Kennelly	Penny
Cox (IL)	Kildee	Perkins
Coyne	Kleczka	Peterson (FL)
Cramer	Kolter	Peterson (MN)
Darden	Kopetski	Pickett
de la Garza	Kostmayer	Pickle
DeFazio	LaFalce	Poshard
DeLauro	Lancaster	Price
Derrick	Lantos	Rahall
Dicks	LaRocco	Rangel
Dixon	Laughlin	Ray
Donnelly	Lehman (CA)	Reed
Dooley	Lehman (FL)	Richardson
Dorgan (ND)	Levin (MI)	Roe
Downey	Lewis (GA)	Roemer
Durbin	Lipinski	Rose
Dwyer	Lloyd	Rostenkowski
Dymally	Long	Rowland
Early	Lowey (NY)	Roybal
Eckart	Luken	Russo
Edwards (CA)	Manton	Sabo
Edwards (TX)	Markley	Sanders
English	Martinez	Sangmeister
Erdreich	Matsui	Sarpalius
Espy	Mazzoli	Savage
Evans	McCloskey	Sawyer

Schroeder  
Schumer  
Serrano  
Sharp  
Siskisky  
Skaggs  
Skelton  
Slattery  
Slaughter  
Smith (FL)  
Smith (IA)  
Spratt  
Staggers  
Stallings  
Stark

Stenholm  
Stokes  
Studds  
Swett  
Synar  
Tallon  
Tanner  
Tauzin  
Taylor (MS)  
Thomas (GA)  
Thornton  
Torres  
Torricelli  
Traficant  
Unseid

Valentine  
Vento  
Visclosky  
Volkmer  
Waxman  
Wheat  
Whitten  
Wilson  
Wise  
Wolpe  
Wyden  
Yates  
Yatron

## NOES—160

Allard  
Allen  
Archer  
Armey  
Baker  
Ballenger  
Barrett  
Barton  
Bateman  
Bentley  
Bereuter  
Bilirakis  
Bliley  
Boehlert  
Boehner  
Broomfield  
Hyde  
Inhofe  
Burton  
Callahan  
Camp  
Campbell (CA)  
Clinger  
Coble  
Coleman (MO)  
Combest  
Coughlin  
Cox (CA)  
Crane  
Cunningham  
Dannemeyer  
Davis  
DeLay  
Dickinson  
Doolittle  
Dreier  
Duncan  
Edwards (OK)  
Emerson  
Ewing  
Fawell  
Fields  
Fish  
Franks (CT)  
Gallegly  
Gallo  
Gekas  
Gilchrest  
Gillmor  
Gilman  
Gingrich  
Goodling  
Goss  
Gradison  
Grandy

Green  
Gunderson  
Hammerschmidt  
Hancock  
Hansen  
Hastert  
Hefley  
Henry  
Herger  
Hobson  
Holloway  
Hopkins  
Horton  
Houghton  
Hunter  
Kasich  
James  
Johnson (CT)  
Johnson (TX)  
Kluge  
Klug  
Kolbe  
Kyl  
Lagomarsino  
Leach  
Lent  
Lewis (CA)  
Lewis (FL)  
Lightfoot  
Livingston  
Lowery (CA)  
Machley  
Marlenee  
McCandless  
McCollum  
McCrery  
McDade  
McEwen  
McGrath  
McMillan (NC)  
Meyers  
Michel  
Miller (OH)  
Miller (WA)  
Mollinari  
Moorhead  
Morella  
Myers  
Nichols  
Nussle  
Oxley  
Packard  
Paxon

Petri  
Porter  
Pursell  
Quillen  
Ramstad  
Ravenel  
Regula  
Rhodes  
Ridge  
Riggs  
Rinaldo  
Ritter  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Santorum  
Saxton  
Schaefer  
Schiff  
Schulze  
Sensenbrenner  
Shaw  
Shays  
Shuster  
Skeen  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Snowe  
Solomon  
Spence  
Stearns  
Stump  
Sundquist  
Taylor (NC)  
Thomas (CA)  
Thomas (WY)  
Upton  
Vander Jagt  
Vucanovich  
Walker  
Walsh  
Weldon  
Wolf  
Wylie  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

## NOT VOTING—31

Alexander  
Atkins  
AuCoin  
Barnard  
Boxer  
Chandler  
Conyers  
Dellums  
Dingell  
Dornan (CA)  
Engel  
Fascell  
Ford (TN)  
Hall (OH)  
Hayes (LA)  
Huckaby  
Ireland  
Levine (CA)  
Martin  
Mavroules  
Morrison  
Scheuer  
Sikorski  
Solarz  
Swift  
Towns  
Traxler  
Washington  
Waters  
Weber  
Williams

## □ 1623

The Clerk announced the following pair:

On this vote:

Mr. Sikorski and Mr. Dornan of California against.

Mr. EWING and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 563 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5231.

## □ 1624

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with Mr. LANCASTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina [Mr. VALENTINE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5231, the National Competitiveness Act of 1992. I want to thank the chairman of the Committee on Science, Space, and Technology, GEORGE BROWN, for his leadership and support for this legislation.

H.R. 5231 is one of the most important pieces of legislation that the Congress will consider this year. It grew out of my conviction, and that of my colleagues, that no issue facing our Nation today is more urgent than the ability of our companies to compete, to create more and better jobs for American workers, and to build an economy that will maintain both an excellent standard of living for our citizens and a strong national defense into the next century.

That urgency has been heightened in recent weeks with continued reports about the dire state of our economy. We are in the midst of the longest, most severe economic downturn since the 1930's. The Department of Commerce reports that the average American worker is putting in more time on the job for less money. Sadly, the most

severe wage reductions have been in entry-level jobs for young high school graduates, a group comprising two-thirds to three-fourths of all young workers.

Our Nation's economic slump has proved unresponsive to traditional solutions. The Government keeps turning the knobs on a 1950's television hoping to focus the picture, while the rest of the world is watching high-definition television.

We in Congress need to catch up with industry by implementing policies that support competition in the global marketplace. H.R. 5231 does this. By proposing that government, industry, and academe form partnerships to develop and transfer technology and skills needed to enhance long-term productivity, H.R. 5231 is offering innovative solutions to our Nation's economic problems.

The crucial factors in competitiveness are commercialization of new technologies and the efficient production of high-quality goods. For small- and medium-sized companies, financial capital for the development of technologies is often inaccessible. Access to information on the application of new technologies and processes is often too time-consuming for companies that are worried about meeting this week's payroll.

This bill contains provisions for creating an electronic network to bring to the small- and medium-sized manufacturers information about efficient production practices, export information, standardization and quality information, and much more, to allow them to increase productivity.

The bill provides loans, grants, and equity financing for the development of technologies considered critical to the growth of our economy. By increasing grants funding for the Advanced Technology Program, and by creating a loan program and equity guarantees for the development and commercialization of advanced technology, this bill offers Congress the opportunity to show it can work to support rather than hinder our industries.

The bill recognizes the role of government to support rather than duplicate the work of industry by expanding a program to promote U.S. product standards overseas. In addition, we authorize continued funding to the National Institute of Standards and Technology in its support of businesses large and small, high- and low-technology.

Mr. Chairman, in preparing to develop this legislation, during 1991 and 1992, the Subcommittee on Technology and Competitiveness held over 25 hearings and collected testimony from over 100 expert witnesses on topics related to competitiveness. Recommendations were drawn from numerous reports on competitiveness by distinguished groups such as the Office of Technology

Assessment, the Council on Competitiveness, the National Academy of Sciences, and the Competitiveness Policy Council.

A copy of a summary of H.R. 5231 was sent to over 200 experts in the fields of science, technology, manufacturing, finance, education, standards, and trade for review and comment.

I strongly believe that H.R. 5231 has tapped a growing consensus for action to enhance our Nation's competitiveness. That consensus is reflected in the list of groups supporting H.R. 5231 which I will add to the RECORD. This list is impressive in its diversity—business groups, educational institutions, labor unions, State governments and outreach offices, and eminent scientists, engineers, and economists.

This bill not only deserves broad support. It is a step down the path of economic revitalization that requires our attention and demands our support. I look forward to bipartisan support for H.R. 5231.

□ 1630

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to H.R. 5231. The Science, Space, and Technology Committee has spent the past year in an ongoing debate over what policies can most effectively spur high-technology research experimentation and manufacturing in the country. This debate has been one of the most protracted we have experienced in the committee, and unlike many disputes within the committee we have not been able to resolve our differences prior to coming to the floor. I must say that, in my view, this has been a bill that has been handled in a very partisan way and we end up on the floor because of our partisan differences that arose almost from the outset during consideration of the bill.

The Democrats believe that the Science Committee should stick to its relatively narrow jurisdiction and not presume to pass judgment on issues beyond its formal scope. The Republicans, by and large, believe that it is a mistake to limit ourselves. We believe that this legislation presents us with the opportunity to talk here today on the House floor about some of the broader issues which would have a very real impact on the ability of the U.S. companies to compete in today's global economy.

Unfortunately, H.R. 5231 does succeed in doing what this House does best: spending taxpayer money, in this case nearly \$2.2 billion. But it does not really do anything really permanent to help this Nation's competitiveness problem. What is really needed is a comprehensive approach that addresses the fundamental issues of competitiveness.

When we hear, for example, that the gross domestic product was 5.8-percent lower over the past 18 years, that it could have been due to the cost of regulation, and that, as a result, 600,000 jobs were short, it is clear that spending a couple of billion dollars of the taxpayers is not the solution to the problem.

When we read in the Wall Street Journal that George McGovern, a former Presidential nominee of the Democratic Party, says, and I quote, "I also wish that during the years I was in public office I had this firsthand experience about the difficulties business people face every day." He shares with the readers a startling revelation, and I quote, "We intuitively know that to create job opportunities, we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities."

After 4 years of trying to make a go of a small business, Mr. McGovern has come to the conclusion that often the rules and the regulations that Congress heaps on business ignore "the reality of the marketplace." It would be nice if this House were to be able to come to the same conclusion in a somewhat shorter period of time than it took Mr. McGovern.

The ability of the U.S. companies to develop, produce, and market new products is second to none when they are on an equal footing with the competition. However, this footing is currently uneven, due in large part to competitive disadvantages imposed by this Congress. The Federal Government should do its part to spur economic growth by freeing the private sector from the tax, regulatory, and other legal burdens imposed on it. The Democrats seem to believe that every problem can be solved with litigation, regulation, and taxation. They believe that if you want to solve a problem, what you do is you send in the lawyers, the regulators, and the tax collectors, and somehow the problem goes away. Instead it is just the opposite; when you send in the lawyers, tax collectors, and regulators, it in fact ceases to make our country competitive.

Let us take a hard look at those provisions of law and regulation which are anticompetitive in nature. Let us take the steps to create a healthy business climate and reduce the Federal budget deficit, freeing capital for private use and reduce its cost. Targeting large sums of taxpayer money to aid specific industries will only further erode our competitiveness by increasing our national debt and removing the inherent efficiency of the marketplace at a time when our main economic competitors spend fewer Government resources to aid specific sectors of their economies. For example, private industry is the source of 50 percent of all the funds

spent on U.S. R&D, 50 percent of it. That means that Government pays 50 percent of it. In Japan, 70 percent of its national R&D is done by private industry, and in West Germany 63 percent of it is done by private industry. This is the opposite of the direction that this bill is going.

Let us be more like Japan and Germany, let us get out of the way of business and allow business to really begin to do R&D. But that is not what we are doing here. We want more government, bigger government, more regulation, more litigation, more taxation.

I urge my colleagues to oppose this bill in its present form, and insist that competitive legislation be comprehensive.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Chairman, first, I would like to commend Chairman BROWN and Chairman VALENTINE for their persistence and their success in bringing this vital legislation to the House floor.

I rise today in strong support of H.R. 5231, the National Competitiveness Act of 1992.

Mr. Chairman, there was a time not long ago when the United States was the unquestioned industrial leader of the world. Anyone who has been paying attention over the last decade knows that we have now fallen dangerously behind. Our industries are furiously trying to catch up with their overseas competitors, our trade deficit remains unacceptably high, and last winter our President went to Japan, hat in hand, seeking to peddle auto parts to the Japanese.

Mr. Chairman, we can no longer stand idly by while our industrial strength continues to erode, while layoffs continue, while more and more American families remain unable to make ends meet because our economy is not producing enough well-paying jobs.

We can no longer ignore a fact which our competitors learned long ago—technological advancement is the key to our long-term economic success.

In my State of New Hampshire during the 1980's, much of our economic growth was technology driven; in America, during the 1990's, our growth must come from technological advancement. We must help entrepreneurs, for example, like New Hampshire scientist, Jack Ludman, who is using hologram technology to triple the efficiency of solar photoelectric panels.

Mr. Chairman, we continue to be the only industrialized country in the world without a coherent strategy for technology advancement, and we continue to be beaten by our competitors. We must change that, and we must do it now.

The National Competitiveness Act will move us beyond government-indus-

try confrontation toward government-industry cooperation.

The National Competitiveness Act will provide the forward-looking investment needed to provide our country with a strong technological base.

The National Competitiveness Act will move our economy toward sustained growth and the creation of high-wage, high-quality jobs.

Mr. Chairman, I urge my colleagues to join me in supporting the National Competitiveness Act of 1992.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. I thank the gentleman very much.

Mr. Chairman, today the House is considering the National Competitiveness Act of 1992, H.R. 5231. Unfortunately, I find myself in disagreement with my subcommittee chairman, the gentleman from North Carolina [Mr. VALENTINE], one of a very few times.

The legislation is directed toward enhancing manufacturing technology development and transfer. I support this goal. However, I do not believe that giving \$2.2 billion to the Department of Commerce will accomplish this goal.

□ 1640

In fact, the citizens in the 12th Congressional District of Florida are asking for less Government bureaucracy, less Government spending, and no more taxes—no more taxes.

I hear you, citizens of the 12th District of Florida.

I think that in these times of increasing deficit and decreasing funds, we need to determine our funding priorities. To spend more dollars than we have available ultimately means more taxes.

Is this legislation of a high enough priority to increase the national deficit by \$2.2 billion? I think not.

Are the funding levels in H.R. 5231 as low as possible, or is there a built-in cushion that taxpayers are being asked to fund? You bet, there is a built-in cushion.

Will this new program create new jobs in the private sector, or will the jobs be in the Federal bureaucracy? I surely want them to be in the private sector.

In answering these questions, I have reached the conclusion that this legislation before us can be improved and it should be improved. In fact, the administration has promised a veto if certain sections of this bill before us are not changed.

I think the American taxpayers demand that we cut out every dollar, that we strip all excess bureaucracy from programs, and that we make sure that the legislation will improve competitiveness throughout the United States. Until the legislation meets these standards, I cannot support it.

As I have said in the past, U.S. competitiveness is not a partisan issue. We

should work together to develop legislation that will be supported by both sides of the aisle, by the administration, and by the American people.

There is opportunity for us to work together and work out this legislation in a bipartisan manner. I believe the American people should have that. The American people deserve no less, and if we are going to meet the cutting edge that we need to throughout the world, we have got to work together on this legislation.

Mr. VALENTINE. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Chairman, I rise in strong support of H.R. 5231 today, and commend the chairman of our full committee, the gentleman from California [Mr. BROWN], and the chairman of our subcommittee, the gentleman from North Carolina [Mr. VALENTINE] for their efforts in bringing this bill to the attention of the House.

Mr. Chairman, we are at a crossroads of American history. Once every generation this country reaches out to meet new challenges that are appropriate to that moment in time. At the end of World War II, at a time when we were heavily in debt, we responded to the challenge of that time in a program announced by President Harry Truman, a Marshall plan for Europe to rebuild the crumbling economy of the European countries, and although we were heavily in debt we expended 2 percent of our gross national product to rebuild their infrastructure, to educate and train their people and to harness their inventive genius to the marketplace, and the Marshall plan for Europe worked.

Now people all over America are saying it is time that we do the same thing for our own country, that we need a comprehensive strategy to rebuild our crumbling infrastructure, not only of roads and highways, but of fiber optic networks, of high performance computer capabilities, and the technological infrastructure required to improve our productivity in today's competitive marketplace; not only that, but we also need to redirect our resources toward an investment in the future, an investment in the education and training of the minds of our young people and of people who are without work and who desperately need jobs. The only thing we have been effectively exporting for the past 12 years is American jobs.

It is time that we not only accomplish these two basic foundation building blocks, but it is time to also harness America's inventive genius to the marketplace. H.R. 5231 is aimed at that objective.

Yes, we have been doing research and development in America. We invented the VCR. We did the research for high definition television. We developed biotechnology. We invented computers

and silicon chips, and those products are now manufactured abroad and imported back home because we lacked a comprehensive strategy in this country to put our inventive genius to work in the marketplace.

Mr. Chairman, it is time that we adopt this national competitiveness bill in order to address that single element—one building block—of a comprehensive program.

I am not alone in calling for this kind of approach. Just a few weeks ago a person of great intelligence said:

We need a range of job training and placement services for young people, factory workers, white-collar employees and defense-industry workers. We need to support civilian research and development and leading-edge sectors, and a research extension network to make our discoveries available to entrepreneurial businesses.

Mr. Chairman, I am quoting former Secretary of State James A. Baker III, on the occasion of his retirement as Secretary of State to become an active participant in the Presidential reelection campaign of President Bush. If it is good enough for James Baker, it ought to be good enough for the Republicans assembled here in this House today.

Mr. Chairman, I urge my colleagues to support H.R. 5231 which will be a foundation block for future American economic greatness.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, the bill before us provides a new kind of resource allocation by the Federal Government emphasizing manufacturing. So I wish to commend the chairman of the full committee, the gentleman from California [Mr. BROWN] for his long-standing commitment to the health and well-being of America's manufacturing sector. He and I have been partners for over a decade in trying to push the Federal R&D and the economy to focus more on those issues directly related to the companies that create new jobs in the marketplace and to the workers who need the best tools and technologies to keep their jobs healthy.

This is science and technology attempted to be applied to the marketplace.

I also commend the ranking member of the committee, the gentleman from Pennsylvania [Mr. WALKER], and the chairman and ranking member of the Subcommittee on Technology and Competitiveness, the gentleman from North Carolina [Mr. VALENTINE] and the gentleman from Florida [Mr. LEWIS] for their roles in the process.

As we consider this important legislation, we are a nation at peace, with the cold war finally being over, yet enthusiasm over this great victory is fading as the economy sputters.

The American people are upset about a stagnant economy. They are asking us for action.

Now, I am a firm supporter of those basic fundamental reforms which we heard about in the Walker bill in the previous debate over the rule. I wish we could put them through today, but the way this place is set up, obviously that is not going to happen.

This bill goes a long way to take Federal R&D resources and orient them more toward production, manufacturing, "Made in America," the creation of wealth through those areas which are so important to a modern industrial society.

In spite of the current economic situation, we are making a comeback, some kind of renaissance, a rebirth in our manufacturing sector, and all the gloomy news that we hear, the fact is the American workers have come a long way over the last several years in producing higher quality goods and "Made in the USA" exported goods are increasingly finding their way around the world.

□ 1650

So, Mr. Chairman, today we can use some of these Government programs to help stimulate the renaissance by re-directing Federal priorities toward protecting the health of "Made in America."

My basic feeling is we cannot address the more generic competitiveness and economic growth problems facing this country, particularly in manufacturing, without the reforms of the 5229 Walker package, but this is what we can do. This is what is available to us today, and the private sector, while needing relief from taxation, regulation, and litigation, can also benefit from technology extension, manufacturing outreach, advanced technology programs, and the like which are contained in this bill.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, I rise today in strong support of H.R. 5231, the National Competitiveness Act. This legislation is vital to our continued economic strength, and vital to our national security. The people that I listen to in my district know that we have won the cold war, but they want to know why we are losing the peace. People from all walks of life want to know why we have the best research facilities in the world, why every day Americans invent new useful techniques and products, and yet time and again American consumers end up buying those products from Japanese, or German, Mexican, or South Korean companies.

Manufacturing has been the heart of our economy, both in Massachusetts and the country. During the past 5 years we have seen a dramatic drop in manufacturing jobs in western and central Massachusetts. Over 2,400 jobs in Berkshire County, over 1,600 jobs in

Franklin/Hampshire, and 6,550 jobs in Hampden County alone.

We have the resources and the know-how to ensure that our economy—and our standard of living—are the best in the world. But it is becoming painfully obvious to every American that we, unlike our international competitors, lack a national strategy to support and promote high-wage jobs. This bill represents that strategy, and it represents our best chance for strengthening our economy into the 21st century.

This country must learn to do better in helping manufacturers, especially small ones, get the assistance they need across the entire range of production—from the best manufacturing technology, to equipment upgrades and financing, to energy efficiency and waste reduction, to worker training and improved management techniques.

I filed the Small Business Manufacturing Extension Act of 1992 to address that problem, and I was pleased to work with Chairman VALENTINE on addressing that need with this bill, through the manufacturing outreach centers. This legislation is real action which we can make to revive the American economy, and ensure that high-wage jobs stay in this country.

The Department of Commerce has said that the provisions of the manufacturing technology extension act, are premature. Mr. Chairman, I am outraged by that statement. In Massachusetts we have lost over 100,000 manufacturing jobs since the mid-1980's. It may be all right with the President's constituency to send those jobs overseas and south of the border, but my constituents want to work, need to work, and they need jobs now.

We all need to focus on the matter before us—helping American businesses to provide jobs for American workers and their families. The American people have been unequivocal this year that we must end our partisan bickering, and find real solutions to our all too real problems.

This legislation represents an opportunity for both parties, all of us, to work together for a strategy to ensure that in the future we will still have high-paying manufacturing jobs in this country. I urge my colleagues to support H.R. 5231.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. McMILLAN].

Mr. McMILLAN of North Carolina. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding this time to me.

Mr. Chairman, I rise in some opposition to this legislation, not so much because of what it does, but because of what it does not do.

I had hoped to be able to support a legislative package which strongly advanced U.S. competitiveness. If we could find a way around here to legislate on the 99 percent of the things we

agree on instead of arguing about the 5 percent of the things we disagree on, I think we might get there. But, fortunately, the rule approved did not make the Walker amendment in order which included a number of very constructive approaches. So, all we can consider is a bill which totally ignores, for one thing, the legal system's drain on our economy.

Mr. Chairman, the biggest growth industry in the United States is regulation in litigation. According to a Cambridge Law Journal study, the United States has nearly three times as many lawyers per capita as Germany and more than 28 times as many as Japan. A flood of litigation is draining resources from our economy which is already short on investment capital. A Clemson University study concluded that each additional lawyer costs the United States \$2.6 million in forgone GNP, and, because of the glut of lawsuits and regulations, it is tying up U.S. capital resources and dramatically reducing return on the investment of those resources thereby diminishing economic growth and reducing job creation.

Mr. Chairman, litigation is costing the U.S. consumers billions each year. The average individual pays \$350 as his or her total auto insurance premiums for liability costs. With more than 120 million cars on the road, Americans are paying over \$40 billion in liability costs for private cars alone.

Medical malpractice insurance and defensive medicine are major contributors to our escalating health care costs, and they affect our competitiveness dramatically. Four out of every five obstetricians have been sued, forcing doctors, even those with good records, to pay as much as \$100,000 a year in medical malpractice insurance. For medicine as a whole, the direct dollar cost of lawsuits is at least \$10 billion a year, not including defensive medicine costs which dwarf the amount of the premiums, which some estimate to be as high as 15 to 20 percent of total medical care costs in this country.

As we look for ways to energize our economy, create jobs, and cut skyrocketing health care costs, product liability reform would go a long way to addressing those needs. We cannot improve our Nation's competitiveness without considering factors such as this.

Mr. Chairman, I urge my colleagues to defeat this measure so that we can bring a bill to the floor that addresses the broader and real issues of American competitiveness.

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Chairman, sustained growth with high-wage, high-quality jobs is the

reason for consideration of H.R. 5231 today. The development of technology and its rapid application is the key to competitiveness, and without competitiveness, our manufacturing industries face a troubled future.

It remains a dangerous world. Guns and missiles have been replaced with issues of economic strength. This bill sees the new world order for what it has become. It will let our businesses develop not just new technologies but the strategies necessary to maintain U.S. superiority in the core technology, as well as the associated products taken to market.

Of particular interest to me are provisions of the measure dealing with critical technologies patterned from legislation, H.R. 4947, which I introduced last year.

Under this proposal, a Council on Critical Technologies is established to develop a plan ensuring U.S. leadership in technologies considered essential for economic and national security. This is built around a program to provide equity capital, long-term loans, and technical and management assistance to Americans developing or producing critical technologies.

This kind of approach has contributed significantly to the strong competitive position of Japan, Germany, and many other of our industrialized trading partners. We are in an economic war and its past time that the United States made such investments into our future.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Chairman, I thank the gentleman from North Carolina [Mr. VALENTINE] for yielding this time to me, and I want to thank the chairman and the entire committee for bringing this bill forward. I think it is very important and something that we certainly should pass, and I wanted to remind the chairman that a few years ago myself, my colleague from Alabama [Mr. HARRIS], the gentleman from Pennsylvania [Mr. WALKER], and others worked on a metal casting research measure that really does the same thing in a specific area, and that is it identified metal casting as an important industry in not just my State, but across the Nation, and we have created metal casting centers, one at the University of Alabama, which is going to apply technology to what historically has been a fairly low technology industry operation to maintain the jobs we have, some 20,000 jobs in my own area, but over 100,000 jobs across the country. And it was not only this effort, but with the help of the chairman and others we have got at the University of Alabama in Birmingham a high technology incubator, Southern Research Institutes, SRT, activities which are developing new high technology jobs in our community. Jefferson State in my community has a technical effort going on. Shelton State in Tuscaloosa is doing the same thing.

Mr. Chairman, with this measure I am convinced we can tap more so the

know-how that is American know-how and make it produce jobs tomorrow for our factories and work places for a better life in America, and I applaud the gentleman for bringing this bill forward, and I strongly support it.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

□ 1700

Mr. HENRY. Mr. Chairman, over the past few weeks and months we have seen a number of impassioned pleas for the survival of such scientific research items as the space station and the superconducting super collider which will require tens of billions of dollars in new spending over the next several years. Such calls have come equally from the Republican and Democratic sides of the aisle. Over the years this body, Republicans and Democrats alike, and those of us on the Science Committee, in particular, have emphatically sought to ensure that our Nation retains its preeminent position as the world leader of cutting edge research and development. Why, then, shouldn't we now work in an equally bipartisan manner to protect the manufacturing and production jobs that result from such R&D? Mr. Chairman, I have a problem with those who say we should spend billions of dollars to be the leader in research but don't feel we can afford to ensure that this country maintains its manufacturing base so that our own breakthrough products and technologies stemming from the research do not end up being manufactured overseas. We cannot afford to lose the manufacturing base that has made this country so great.

Mr. Chairman, I read this quote by Robert M. Burger, the chief scientist and vice president for Semiconductor Research Corp.:

While the U.S. debates the appropriateness of a more activist technology policy, our major economic competitors are investing heavily in their economic future. The U.S. devotes 0.2 percent of its Federal R&D budget to industry technology, while Japan devotes 4.8 percent and Germany 14.5 percent. The administration proposes to invest \$17.8 million in fiscal year 1993 to support seven manufacturing technology centers, while Japan expenditures for a similar program (Kohsetsushi centers), totalled nearly \$500 million for 169 centers in 1988.

We often talk of critical technologies when discussing research proposals. In my view, however, we have neglected to make manufacturing, and the manufacturing process itself, a critical technology. H.R. 5231 begins to do so. As I have stated previously in this Chamber, a national strategy for maintaining and strengthening the U.S. industrial base is essential for our Nation's future economic well-being. The global economy poses challenges that are as important to meet today as were the military challenges of our past. We can only maintain our preeminence as an

industrialized nation if the Federal Government and the private sector come together as never before to keep our manufacturing base competitive in the international marketplace. The long overdue bill now before us seeks to facilitate such a partnership.

Mr. Chairman, I quote from former Secretary of State Baker's farewell address to employees at the Department of State, a speech entitled by Reuters, "We need a safe and strong America at home to be safe and strong abroad." In his farewell remarks the Secretary of State, Mr. Baker says:

We need a range of job training and placement services for young people, factory workers, white-collar employees and defense-industry workers. We need to support civilian R&D and leading-edge sectors, and a research extension network to make our discoveries available to entrepreneurial business.

Mr. Chairman, H.R. 5231 builds on the Advanced Technology Program and the Manufacturing Technology Centers Program by establishing a nationwide network of manufacturing outreach services for U.S. industry—and to small- and medium-sized manufacturing companies in particular. It will provide assistance to innovative industry-led partnerships and consortiums that are designed to provide basic advanced manufacturing training and technology transfer services to its members. It will also expand the NSF Engineering Research Centers Program to provide research on manufacturing processes and engineering training to our traditional manufacturing sector.

H.R. 5231 incorporates a number of my very own initiatives, Mr. Chairman, including:

First, provisions taken from H.R. 4914, the Strategic Manufacturing Alliance Act. Unlike current technology outreach that tries to transfer new breakthroughs to industry in an extension or vendor type fashion, this language—incorporated as a demonstration project under the Manufacturing Technology Centers title of H.R. 5231—requires industry participation up front by making it set its own research, application, and worker training agendas. As such, this language will ensure private sector participation. In my view, this is what has been lacking in our current technology extension programs. Like most of us, manufacturers are leery when someone comes through their door trying to sell them something, let alone when it's the government coming to their door and saying "We're here to help, and here's what you should do." Manufacturers know what their most pressing needs are. On a demonstration level, H.R. 5231 will foster a support structure that will allow them to have those needs addressed.

Second, provisions taken from H.R. 5392, the Electronic Commerce Act. The vast majority of small- and medium-sized manufacturing firms are

unable to communicate electronic business and product data. Such data includes everything from design and standards specifications to invoice information. The inability to communicate product data results in both wasted time and mistakes in product design and orders. The language in this measure would help speed the deployment of electronic commerce technologies and standards throughout the manufacturing sector—eliminating the aforementioned problems, reducing costs, and improving competitiveness.

Third, language, put in at my request, to allow universities to use ERC moneys for facility improvements. The economic recession has made it extremely difficult for our colleges and universities to raise facility and construction moneys from the private sector. In fact, several officials have come to me and indicated that they can get noncash donations from the private sector for equipment, instrumentation, human resources, and so forth. But given the recession, cash for construction and facility improvement is virtually impossible to come by. So long as a university receives an equivalent amount of equipment and other resources that a Federal grant would have been used for, I believe they should be given the flexibility of directing their grant dollars into facility improvements. Although this language only applies to a small portion of grant money, Engineering Research Centers Program, I wanted to set a precedent for future research legislation that goes through the House.

Fourth, a provision to require at least one new Engineering Research Center authorized under H.R. 5231 to focus on the research and training needs of traditional manufacturers.

Last, I want to draw attention to an amendment to H.R. 5231 that I will be offering on the floor. For technical reasons, I was unable to offer it during the committee markup. I will go into greater detail at the appropriate time Mr. Chairman, but to quickly summarize, my amendment would rename the Department of Commerce as the Department of Manufacturing and Commerce. I hope my colleagues will support it. And, once again, I urge them to support final passage of this vital legislation.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. McMILLEN].

Mr. McMILLEN of Maryland. Mr. Chairman, I rise today in support of H.R. 5231 and congratulate the sponsors for their long and diligent work.

This bill establishes a science and technology policy to help facilitate the development of new technologies, strengthen our Nation's economic competitiveness, and provide for sustained economic growth and jobs.

The critical element of this legislation is that it forges a new cooperation

between business, government, and academia. This new partnership will play a vital role in our ability to compete and win in the global economy of the 21st century.

As cochairman of the biotechnology caucus, I have seen first hand the potentials that biotechnology offers not only to the quality of our life but to our future economic growth and competitiveness. However, we will never realize this economic growth if we allow biotechnology to go the way of the semiconductor industry.

Never again can we allow the United States to take a leadership position in research and development, only to lose the competitive edge to another country. That was the case with Japan in the semiconductor market, as they were able to master the commercialization of that technology before us.

We need to end this trend of invented in America and made in Japan or elsewhere. The only way to achieve that is to have a game plan where government works with industry to create the most conducive environment for entrepreneurs and companies to develop and market new technologies.

Today is a chance for both of our parties to take a step forward in developing a shared vision on a strategic plan for rebuilding our manufacturing base. The cost for this policy over the next 5 years will be similar to just this year's authorization for the space station. And that comes down to one-tenth of 1 percent of this year's budget.

As I conclude, I can only say that everywhere I go this year, people say the same thing. We need to get this economy going and you people in Washington have got to quit playing partisan politics all the time. These folks are feeling the pain of this recession and are even more pessimistic about the future.

I urge my colleagues to respond to the concerns of the American people and pass on a bipartisan basis this technology policy to ensure American technological preeminence and provide for sustained economic growth and jobs.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I join my colleague from Pennsylvania in opposition to H.R. 5231. Let me acknowledge from the outset that this bill is an honest effort by our well-intentioned colleagues to deal with a serious problem facing our Nation. As a member of the Science Committee, I have witnessed first hand the hard work put forth by Chairman BROWN, the gentleman from North Carolina [Mr. VALENTINE], and all Democrats on the committee. I compliment their earnest effort at producing a bill to help increase the competitiveness of American industry. Unfortunately, this bill falls far short of that mark.

The primary problem with H.R. 5231, Mr. Chairman, is that it emphasizes form over substance. Each time I review H.R. 5231, I am reminded of what Gertrude Stein once said of Los Angeles: "There is no there there." Quite simply, H.R. 5231 fails to propose any specific solution to our competitiveness problem. This bill creates several new Government bureaucracies, but does not specify what they should do or how they will serve to enhance our competitiveness. For example, H.R. 5231 creates the Commerce Technology Advisory Board to advise the Secretary of Commerce "regarding the development and implementation of policies that the Advisory Board considers essential to industrial productivity and technology growth," but this bill gives no clue as to what those policies should be.

My second objection to this bill is that it proceeds from the faulty assumption that our competitiveness problem is due to a lack of access to information critical industries. The very first page of this bill states that its primary goal is to improve competitiveness "by improving access to the information and expertise required to compete throughout the world." Where is the evidence, Mr. Chairman, that our manufacturers lack access to unspecified information? U.S. scientists and researchers have long been at the cutting edge of technological advances that spur new industries and improve current ones. The problem is not that manufacturers have difficulty accessing advanced technology; rather, the most important problem is lack of incentive to industrial innovation. The high cost of capital and labor, combined with excessive regulation and high taxes have all conspired to make the risks of starting new high-tech businesses difficult. This bill does nothing to address such problems.

My third objection to H.R. 5231 is that it gives taxpayer dollars to Government rather than returning them to the private sector where they could more directly impact the industries this bill purports to help. This bill creates and funds at least five new Government bureaucracies. It would be much more effective to return tax dollars to industry and R&D directly, rather than through more costly new bureaucracies. Moreover, the new bureaucracies created in this bill would duplicate some functions of government agencies already in existence. The new manufacturing outreach centers will duplicate the manufacturing technology centers currently sponsored by the National Institute of Standards and Technology. The new business grant programs envisioned in this legislation are quite similar to those administered already by the Small Business Administration and the Small Business Investment Company.

Despite my feelings about these provisions of H.R. 5231, I do not wish to

suggest that there is no constructive role for Government to play in promoting manufacturing technology. On the contrary, I believe that the Department of Commerce is one of our most beneficial administrative agencies because it promotes economic activity and the creation of wealth, which benefit our entire Nation by raising our standard of living. I have heard firsthand testimony that the NIST's manufacturing technology centers have indeed helped many small businesses boost their productivity with new techniques. The Argonne National Laboratory in my district is active in a comprehensive technology transfer program, funded in part by the Federal Government, which is making great strides to help U.S. industry convert scientific discoveries in U.S. labs into new and improved manufacturing processes. I support these useful Government activities as a model for future legislative efforts. However, I believe that the new bureaucracies created under H.R. 5231 deviate substantially from this model and could not achieve their impressive results.

In short, Mr. Chairman, the Democrat bill fails to implement new approaches to improve industrial competitiveness. It simply pours a glass of water on one small leaf of a huge tree whose very roots are parched and dying. By contrast, the amendment proposed by the ranking member of the Science Committee, Mr. WALKER of Pennsylvania, embodies new, ambitious, and wide-ranging proposals to cure the root causes of our competitiveness problem. Whereas H.R. 5231 lacks even one specific suggestion, Mr. WALKER's bill proposes five bold initiatives to attack industrial competitiveness at the heart of the problem and to increase investment, innovation, and profitability. Mr. WALKER's amendment contains real provisions which private entrepreneurs consistently tell us are necessary to improve our slow economy. In June 1992, I held a meeting of business executives in my district to discuss issues of competitiveness and industrial policy. This group unanimously endorsed the idea that our No. 1 priority to spur the economy must be the reduction of the national debt, freeing capital for much needed investment. Second, the numerous high-tech companies in my district consistently emphasize the need for a strong investment tax credit.

The Walker amendment contains both these provisions, and much more, to shock new life into our economy. It would make permanent the R&D tax credit, cut taxes on long term capital gains, grant tax relief to start up business, index corporate assets, provide an investment tax credit for manufacturing equipment, encourage individual savings, and curtail frivolous lawsuits by reforming product and professional liability laws. The Republican amend-

ment, in short, would fundamentally reform the macroeconomic factors that currently prevent industry from taking the risks and making the investments that lead to economic growth.

Mr. WALKER's most innovative idea is to empower individual taxpayers to buydown the burgeoning Federal budget deficit. By checking off a box on their tax returns, citizens would be able to contribute up to 10 percent of their annual Federal income tax liability to a public debt reduction fund. And to ensure that taxpayer contributions to the fund will not be offset by higher congressional outlays, the buydown would be matched by equivalent across-the-board spending cuts of all Federal programs with the exception of Social Security, interest on the national debt, and the FDIC insurance fund.

Because I favor substance over form, industry over Government bureaucracy, and private incentive over Federal spending, I support Mr. WALKER's amendment over H.R. 5231 and hope all my colleagues will join us.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Chairman, I rise today as an original cosponsor and a strong supporter of this bill.

Mr. Chairman, I had the privilege some years ago of serving this country as a trade negotiator and negotiating trade agreements with other countries around the world. I was able to see firsthand the changed nature of the world marketplace. I understand perhaps more than some the competition that we are facing around the world, and I understand what businesses are telling us when they tell us that the world has changed.

Mr. Chairman, protectionism is not the answer. We cannot hide from these changes. We cannot pretend that the world is still as it used to be.

Competing is the answer. What we are debating today is how best we should compete.

In testifying before our committee on this bill, Mr. Boskin, the chairman of the President's Council of Economic Advisers, identified what he called the three pillars that are essential to improving productivity. First, generating and disseminating new technologies; second, increasing and improving capital; and, third, improving the skills and knowledge of the labor force.

Mr. Chairman, this bill does not do everything, but it does do much, and it does begin to address these essentials of improving our productivity.

□ 1710

Mr. Chairman, Adam Smith is dead. Ask the Japanese, ask the Germans, those governments and others who are actively intervening on behalf of their businesses. And we are trying to compete with that kind of intervention.

Business needs the affirmative support of Government. Certainly, of course, the private sector and private enterprise must take the lead, but business needs to know that Government is on the side of business, and Government must help create the conditions that are conducive to economic growth.

Yes, some of this must be done with tax policy; others must be done in other ways. But this bill begins to do much of what is needed, Mr. Chairman.

Mr. Chairman, one example, just one, the manufacturing outreach centers, these are not alien devices. This is not something new. These are merely the manufacturing equivalent of the Agricultural Extension Service that has served this Nation so long and so well.

I urge a "yes" vote on this bill.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Chairman, we have before us for consideration the Democrat-fashioned competitiveness bill H.R. 5231. This bill would sanction over \$4 billion of new Government spending over the next 3 or so years. That's a great way to make America more competitive, when the biggest hurdle we have got is a \$400 billion annual increase in the Federal debt. Of course, they claim it will be paid for by cuts in Defense, something now not permitted by the budget agreement.

The Republican alternative to H.R. 5231, H.R. 5229, was cosponsored on introduction by 16 of the 20 Republican members of the full Science Committee. This bill is not now before the House for consideration alongside the Democrat bill—not even as an amendment, much less as a stand-alone bill. The rule for this bill, as always, does not allow any such consideration.

The approaches these two bills take to foster competitiveness and technology development in this country are diametrically opposite. The Democrat bill uses a teaspoon to dish out Federal funds, when we should be giving our high-tech companies the ability to buy themselves a shovel to dig their own way out of the competitiveness morass. And what is the nature of this morass? Our companies are burdened with regulation, they are overtaxed. Our overseas competitors have no capital gains tax; attracting long-term investment is no problem.

Throwing extra money at the problem—the same old tired answer to any problem Democrats seek to solve—will not cut it. The Republican answer, instead, is to actually address the problem of competitiveness head on by offering tax incentives to business and by encouraging investment.

The aerospace industry in California and elsewhere is going through the trauma of the dramatic transition out of a cold war economy. Incredible opportunities are emerging. Our aero-

space industry and other high-tech companies helped us deter a hot war and win the cold war. They represent a precious asset. Let us give them the chance to compete and make a profit with new ideas and novel approaches of redirecting technologies developed for defense toward peaceful and profitable purposes.

Investment, free from bureaucratic strings and Federal overseers, is the answer. That means tax credits and incentives, not just another Federal dole.

And until Congress is given the opportunity to consider an alternative proposal, this Democrat bill should be opposed.

Mr. VALENTINE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, today we take steps to rebuild America's economy. It is so important that we recognize the difference between an expenditure and investment. We are investing in the future of our country. We are increasing the tax base. We are increasing our Nation's wealth and our opportunities.

I think this is one of the most important bills that we will consider this year because it does increase our investment in manufacturing and forges a new partnership between Government and business. And we can, through advances in our manufacturing base, reverse declines in our national productivity and improve standards of living.

This is a proinvestment bill that will move our economy toward sustained growth and the creation of high wage, high quality jobs. This is a good bill because technological advances spur economic growth.

As chair of a subcommittee of the Committee on Science, Space, and Technology, I am proud that our hard work will make a difference in improving our Nation's economy.

I urge my colleagues to support this legislation.

Mr. WALKER. Mr. Chairman, I reserve the balance of my time.

Mr. VALENTINE. Mr. Chairman, I yield 4 minutes and 30 seconds to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong support of the National Competitiveness Act of 1992, and I congratulate both Chairman BROWN and the Technology and Competitiveness Subcommittee chairman, Mr. VALENTINE, for their hard work on this important legislation.

Mr. Chairman, 12 years of failed economic policies have taken their toll. The region I represent, Silicon Valley, is the world's high technology capitol and the heart of the U.S. electronics industry. Yet this area—the front lines of our country's competitive battles—lost nearly 7,000 jobs in the last 2 years.

Even worse, in the last year alone, my home State of California lost over

400,000 jobs, the largest percentage of job loss since 1945.

The fact is that the United States has been losing its competitive edge in many areas of high technology innovation. Foreign competition has pushed U.S. companies out of many markets, and is continuing to do so.

It is time to put the Government on the side of American businesses. For the United States to move forward decisively into the 21st century, we need to begin to set goals and priorities for the future, especially as the world changes its focus from military confrontation to economic competition.

This bill, the National Competitiveness Act, is intended to address this competitive challenge, and begin moving our Nation forward. While the bill contains a variety of provisions designed to strengthen our Government's support for high-technology industries, I would like to focus on one of the most important aspects of the bill—its strong support for small businesses.

Mr. Chairman, one of our Nation's unique strengths is our entrepreneurial spirit. Small companies are our laboratories for the new technologies our Nation will need in the future.

Unfortunately, small companies, particularly high technology companies, face a growing capital shortage.

This is especially distressing, since it has been estimated that not only do small businesses create 80 percent of the new jobs in this country, but they are also six times more likely than large companies to create new products.

The National Competitiveness Act of 1992 will provide two mechanisms to help address this critical issue and help small high-technology ventures grow and compete.

First of all, this National Competitiveness Act includes a bill I introduced, H.R. 4436, to create a technology loan program.

Recognizing that small companies are our laboratories for the future, my legislation will provide patient, low-cost capital to help U.S. companies move ideas from the lab to the marketplace. This program will help maximize the use of scarce Government resources in an innovative program to help our brightest American entrepreneurs turn their ideas into products and companies and jobs.

H.R. 5231 also includes an additional initiative to help provide much-needed capital to small and medium-sized companies: the Critical Technologies Development Program.

This program will work in partnership with banks, venture capital firms, universities, and other organizations to provide equity capital, loans, and management assistance to small companies.

The bill also supports a national network of advanced manufacturing technology centers and technology exten-

sion services that will help our small high technology companies turn their ideas into commercial products to compete in world markets.

Mr. Chairman, dozens of companies and industry groups have expressed support for the National Competitiveness Act of 1992 and the technology loan program. These companies recognize that, in today's world, economic stress requires investment in research and development, investment in education and infrastructure, and investment in the strategic technologies that are the keys to the future.

The National Competitiveness Act of 1992 will go far toward accomplishing this goal. I strongly urge my colleagues to support its passage.

□ 1720

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Brown substitute. Frankly, I am very disappointed we do not have time to debate the merits of the Walker substitute. Companies suffer because of lack of capital due to the Federal deficit and overlitigation and overregulation. The Walker substitute has substantial improvements for business to obtain much-needed capital and would have destroyed Government barriers to economic productivity and growth.

I do believe that there are some strong points in the substitute of the gentleman from California [Mr. BROWN], particularly expanding the number of manufacturing centers to target the needs of small and medium companies. The administration and the Department of Commerce have already been moving in this direction, and the Brown substitute seeks to expand this.

I also support the concept of providing government support for helping critical technologies, similar to current Federal support for the business consortium Sematech. Just as Sematech is working to help U.S. computer chip manufacturers be competitive, so too should the Government examine and support other critical technologies to protect our national economic security, our Government must be ready to support private industry technology development, just as our international competitors do, and that includes authorizing Federal support for critical technologies. Investments in industrial research and development will lead to greater economic productivity and high-wage, high-quality jobs for Americans.

Mr. Speaker, there are two philosophies at work here. One is the philosophy, and part of it is good, that the Government should command or control the direction of the country's technologies and the economy. The Government has a supportive role here.

The other philosophy is that we unleash the creative technologies in the private sector by creating an environment conducive to economic productivity. The only way we can do that is for the Walker substitute to be adopted, investment tax credits, capital gains tax cuts, and things of this nature, so this country operates as a team and not just as a single provider.

Mr. VALENTINE. Mr. Chairman, may I inquire as to how much time we have remaining?

The CHAIRMAN. The gentleman from North Carolina [Mr. VALENTINE] has 4 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 6 minutes remaining.

Mr. VALENTINE. Mr. Chairman, I thought it was 4½. We have experienced a one-half minute slippage.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from North Dakota [Mr. DORGAN], with apologies.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for his generosity in yielding time to me.

Mr. Chairman, I know a while ago we had some volleying on the floor about who was responsible for the deficit. The fact is it is not a very relevant discussion. I am only interested in the future and what we do about a very serious problem.

I wanted to tell my colleagues about a statement by the chief economist of the Deutschbank some while ago, testifying before a congressional committee. He testified that in his judgment, by 1997 Japan will be the world's largest manufacturing economy. He testified that just after the year 2000, by his estimate, Japan will be the world's largest economic power.

Clearly we have serious economic problems. At the head of the list is the Federal deficit, but it is not just that exclusively. We do need policy change in this country. There is no doubt about that. First we have to deal with the deficit and we have to do it honestly, and we have to do it soon.

Second, we have to deal with our trade problems and pry open foreign markets so we can resurrect some domestic economic health and sell the goods we produce overseas.

Third, we need a national commitment to product quality. We will sell again around the world at record paces when we produce the best goods at the best price. We need a commitment to produce quality.

Fourth, we need the finest education system in the world. We cannot compete unless we have the best education system producing the best scientists and the best engineers to build the best products. Those are the kinds of changes we need.

Everybody in this Chamber understands that this country is in trouble. The question before us is what do we do to fix it.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, as an avid supporter of the product liability reforms contained in the Walker amendment, I believe that we have missed a historic opportunity to encourage research, enhance product development, and, most importantly, create new jobs for Americans. Unfortunately, exploding litigation and excess legal costs are holding U.S. citizens captive to the perils of a legal system run amok.

The current product liability system discourages innovation and has resulted in a substantial decrease in new product research. A 1988 conference board survey of 2,000 CEO's found that nearly half of all manufacturers, large and small, had decided to discontinue existing product lines, and 39 percent had decided not to introduce new product lines as a result of potential liability.

Not only are good products kept off the market because manufacturers are afraid to take the legal risks, but we are losing jobs here in the United States at a time when we desperately need them. For each product not developed or sold, there are untold numbers of jobs eliminated as a result.

In addition, product liability costs are driving otherwise stable companies into bankruptcy. In my home State of Illinois, an agricultural products manufacturer had a jury verdict of \$10 million in punitive damages rendered against it. A new judge let the verdict stand despite finding "nothing in the record to support a \$10 million verdict." The decision drove the company into bankruptcy and this manufacturer is now in the hands of a foreign company.

Without major product liability reforms, companies will never be truly free to engage in the development activities which are the intent of this bill. Let us just say, quite frankly, that the problem with jobs, with manufacturing, with technological development in this country, the answer is not more bureaucracy, it is taking off the onerous impediments we have on manufacturing today, the onerous impediments of legal liability, the onerous impediments of bureaucracy looking in and stopping businesses from doing the things that they have to do. We can fix a lot of things in this country by pure common sense, not by creating a huge bureaucracy that will stifle American industry even more.

Mr. VALENTINE. Mr. Chairman, I yield the balance of our time, I believe 2½ minutes, to the distinguished gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology.

Mr. BROWN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the National Competitiveness Act represents an effort by the

Committee on Science, Space, and Technology to develop sound legislation to make industry, American industry, more competitive in the global economy.

I want to commend the chairman, the gentleman from North Carolina [Mr. VALENTINE], for his efforts in bringing this important bill forward. Rather than trying to elaborate on what this bill does, let me take a very brief time to try and lower the partisan passions on this bill.

I think on both sides we recognize, as the remarks of the gentleman from North Dakota [Mr. DORGAN] indicated, that this is not a solution to all of the economic problems of this country. The gentleman from Pennsylvania [Mr. WALKER] has indicated that very strongly. I happen to agree with him. Both of us have introduced more comprehensive bills that address the broad problems.

□ 1730

The gentleman from Pennsylvania [Mr. WALKER] has sought, admirably, possibly, to attach the program to this bill. I, having lost the idealism of my youth, no longer try to solve all of the problems of the world on one bill. And I think that this is at the root of the problem here. The gentleman from Pennsylvania [Mr. WALKER] wants to bite off a much larger part of the solution than is possible under the conditions under which we debate bills in the House.

This is really quite a modest proposal built upon the Stevenson-Wydler Act, which is more than a decade old. It incorporates and expands some of the programs of the advanced technology provisions of the 1988 trade bill, which was signed into law by President Reagan. It includes provisions which are now in effect or being used by the Small Business Administration, such as small business loans and the SBIC, which finances venture capital operations for small business.

This bill merely concentrates these kinds of programs into the area of advanced technology, particularly manufacturing technology, which is where our economy is the weakest at the present time. We attempt to set up an extension service to improve small- and moderate-sized manufacturing companies.

The Japanese have 200 of these centers, and just very recently they have invested, thrown money at, if you like, to the tune of \$80 billion in trying to stimulate greater productivity in their economy. We are not trying to do that. We have a modest \$2.2 billion over 4 years in this bill authorized, and this is a drop in the bucket compared to either the Japanese or what 100 economists told us just a few months ago we ought to do, which was to invest \$50 billion in productivity-raising investments in this country.

This is a modest bill, it is a good bill. It is built upon the structure we have been using, and in my opinion, this will be a signal to private industry, which really broadly supports it, that government is serious and wanting to cooperate with them to get us out of the mess that we are in.

Mr. Chairman, H.R. 5231, the National Competitiveness Act of 1992 represents an effort by the Committee on Science, Space, and Technology to develop sound legislation to make American industry more competitive in the global economy. I want to commend the chairman of the Technology and Competitiveness Subcommittee [Mr. VALENTINE] for his efforts in bringing this important bill forward.

Mr. Chairman, the Nation's economic competitiveness has declined over the last decade. This reality has been confirmed in study after study on competitiveness done in the last several years. U.S. economic performance has been disappointing. Productivity growth has slowed. Real wages and living standards have declined. Infrastructure has deteriorated. Investment in research and development and in new plants and equipment has fallen to half the rate of our foreign competitors. Jobs continue to be lost. In the month of August alone, the U.S. economy lost 167,000 permanent jobs. Unless we reverse these trends, our economic growth will continue to stagnate and Americans will be robbed of the opportunity to improve their living standards.

The solution to our competitiveness problems will not be simple, quick, or easy. They will not be solved by a single response, but will require a broad approach in many areas. That is why I introduced comprehensive competitiveness legislation, H.R. 5230, the American Technology and Competitiveness Act. That bill included proposals dealing with matters affecting competitiveness that I feel are important but that are outside of our committee's jurisdiction. H.R. 5230 was referred to five House committees and I hope those committees will seriously consider the proposals contained in that legislation.

The bill before the House today, H.R. 5231, contains those provisions of H.R. 5230 that are solely within the Science Committee's jurisdiction. It nevertheless addresses a vital aspect of the competitiveness problem—investment in new technologies and in the infrastructure to bring those technologies to American industry. Economic studies show that about one-third of a nation's economic growth is the result of advances in technology. H.R. 5231 contains provisions that will accelerate the development and adoption of new technologies in this country.

This legislation is based on sound economic fundamentals. Earlier this year, a coalition of 100 of the most prominent economists in this country, including 5 Nobel Laureates, recommended to the President a \$50 billion public investment program as the most effective way to restore America's long-term economic growth. This proposal was based on the simple but valid assumption that the return from that investment in terms of new products, jobs, and wealth that would be created would significantly exceed its cost, especially with the recent sharp decline in interest rates. Unfortunately, the administration seems to have re-

jected the recommendation of our best economists. The Japanese Government, however, recognized the soundness of this proposal and several weeks ago announced an \$80 billion public investment program in Japan. Within 5 days of that announcement, the Japanese stock market increased a staggering 25 percent. This investor reaction is undeniable confirmation of the positive effects that investment has on a nation's economic prospects.

H.R. 5231 will move the Nation toward greater investment—investment that will produce sustainable economic growth and create new products, businesses, and jobs.

Mr. Chairman, since H.R. 5231 was reported out of our committee, we have worked closely with the Committee on Energy and Commerce and the Committee on Ways and Means to resolve a number of jurisdictional and substantive concerns raised by those committees. We have also attempted to work with the Senate and the administration to resolve other concerns with this bill. As a result, we have developed an amendment in the nature of a substitute that the rule makes in order as original text for purposes of amendment. This substitute modifies the bill as reported to accommodate specific concerns raised by these other interested parties.

I will include in the RECORD a section by section description of the bill text currently under consideration. I would like to comment briefly on the most significant provisions in this legislation.

Title II contains a number of provisions intended to help U.S. manufacturers become world-class competitors. This title would designate the Department of Commerce as the lead civilian agency to work with industry to develop and deploy the best manufacturing technologies. It provides for a national manufacturing outreach network that would electronically link existing local, State, and Federal manufacturing outreach and technology extension centers, and would provide financial and technical assistance to those centers. The purpose of these centers would be to act as an analog to the agricultural extension service for manufacturers, so that they can more easily obtain information about the best available manufacturing technologies and practices and obtain other information critical for improving global competitiveness.

For example, in my own district, the University of California at Riverside is preparing a statewide manufacturing extension program that will provide a wide range of technical and management services to small- and medium-sized manufacturers to help improve their productivity and competitiveness. This Manufacturing Extension Program will link the extensive research facilities and technology expertise of the University of California with individuals and businesses throughout the State. Programs like the one at the University of California at Riverside are essential to restoring and maintaining economic growth, and enhancing the quality, productivity, and competitiveness of small- and medium-sized manufacturing companies. The bill would encourage and support these types of programs, not only in my State, but in all States.

Title III of the bill deals with critical technologies that are considered important for economic growth and contains a number of provi-

sions to encourage and support the development and adoption of these technologies.

Title III would expand the Advanced Technology Program [ATP] of the Department of Commerce which provides grants to U.S. companies and joint ventures to conduct precommercial research and development on new civilian technologies. This program is currently authorized at \$100 million for fiscal year 1993. The bill would authorize \$1.5 billion for fiscal years 1994 through 1997 for the program. Although at this funding level, the ATP program would not approach the size of similar research grant programs at the Defense Department and NSE, it would begin to make a meaningful impact on the rate of new civilian technologies developed and used in this country.

Title III would also establish two new programs in the Technology Administration of the Commerce Department to provide American high-technology companies with long-term, patient capital they need to finance development and utilization of new technologies.

Title III(C) would establish the Technology Development Loan Program in the Department of Commerce to make direct loans to businesses that are eligible for assistance under the Advanced Technology Program.

Title III(D) would establish the Critical Technologies Development Program to provide long-term loans and equity capital to technology companies that need this financing and can not get it from other sources. Under this program, the Commerce Department would select, license, and partially finance private technology investment firms, such as venture capital firms. These investment companies, in turn, would provide long-term loans and equity capital to domestic businesses to finance development of new technologies. Funds that are borrowed under this program by licensees would have to be repaid with interest within 10 years.

The administration has objected to the loan and investment programs established under title III (C) and (D) of this bill on the grounds that the Department of Commerce lacks the expertise to carry out the programs and that they duplicate the Small Business Investment Company [SBIC] program in the Small Business Administration. I do not believe these are valid concerns. The bill permits the Secretary of Commerce to delegate administrative functions of the programs to another agency with the expertise to carry them out if the Commerce Department is unable to acquire the necessary expertise.

The loan and equity financing programs in title III of the bill would not duplicate the SBIC program. They would complement and supplement that program since they are designed to meet the unique financing and technical needs of technology companies. The SBA has rarely funded technology-based companies in the past 30 years and we have little reason to believe they will do so now. Other Federal agencies in the technology development business are beginning to recognize the advantages and advocate the use of venture capital firms to make investments in the private sector that meet public policy objectives. The Department of Energy [DOE], for instance, has proposed establishing a program very similar to the Critical Technologies Development Program to en-

courage and support development of energy technologies.

Mr. Chairman, there are other important provisions in this legislation that I wish to mention. H.R. 5231 authorizes appropriations and provides policy guidance for the programs of the Technology Administration and the National Institute of Standards and Technology in the Department of Commerce. The bill would also establish programs to promote adoption overseas of standards favorable to U.S. exporters, to expand the Malcolm Baldrige Award Program, and to conduct competitiveness research and assessments.

The total amount of appropriations authorized in this bill for existing and new programs is \$2.2 billion for fiscal years 1994 through 1997. There are Members on the other side of the aisle who may object to this bill simply because it contains new budget authority. To those Members I would say that the funding authorized in this bill for investment is modest when compared to the \$80 billion investment program Japan just announced, the \$50 billion investment program recommended by our own economists, and the \$10 billion the Federal Government will provide to help rebuild south Florida and Hawaii in the aftermath of the recent hurricanes that devastated those areas.

I would also point out that the bill authorizes appropriations for a 4-year period beginning in fiscal 1994. In its fiscal year 1994 budget deliberations, the Congress will consider reprogramming defense spending to deficit reduction and domestic programs. The programs established in this bill represent our committee's best judgment on how available Federal resources can best be applied within the Science Committee's jurisdiction to contribute significantly to improving the Nation's competitiveness and economic growth. Our committee believes investment must be a priority and that it can be done without raising overall Federal spending levels.

I urge my colleagues to support this important and responsible legislation.

#### SECTION-BY-SECTION ANALYSIS OF H.R. 5231

##### TITLE I—GENERAL PROVISIONS

Sec. 101: Short Title: "National Competitiveness Act of 1992"; table of contents.

Sec. 102: Findings.

Sec. 103: Purposes.

Sec. 104: Goals—The goals of this Act are to—

(1) improve the competitiveness of small and medium-sized manufacturers by improving access to the information and expertise required to compete throughout the world;

(2) improve the United States position in technologies essential to economic growth and national welfare by promoting research, development, and timely utilization of those technologies;

(3) utilize the State and local capabilities in industrial extension to improve the efficiency, quality, and strength of national programs to improve the competitiveness of United States products; and

(4) expand the availability of low-cost patient capital to United States companies developing critical or other advanced technologies.

Sec. 105: Definitions.

##### TITLE II—MANUFACTURING

Sec. 201: Short Title: "Manufacturing Technology and Extension Act of 1992".

Sec. 202: Findings Purpose, and Statement of Policy.—Includes a declaration that it is

the policy of the United States that Federal agencies shall work with industry and labor to ensure that within 10 years of enactment of this Act the United States be second to no other nation in advanced manufacturing technology.

Sec. 203: Role of the Department of Commerce.—Designates the Department of Commerce, and particularly the Technology Administration, as the lead civilian Federal agency responsible for promoting the development of advanced manufacturing technology, consistent with the policies and purposes set forth in section 202.

Sec. 204: Commerce Technology Advisory Board.—Establishes a Commerce Technology Advisory Board to provide input from the private sector, the academic community, and state and local governments in carrying out the programs of this Act and in other technology matters.

Sec. 205: Role of the Technology Administration in Manufacturing.—Contains the following five sections:

"Sec. 301: Advanced Manufacturing Systems and Networking Projects.—Directs the Secretary to establish an industry-led, multi-year program, administered through the Advanced Technology Program, to develop advanced manufacturing technologies, including communications systems that facilitate interaction between manufacturers and their suppliers and customers. This section also includes a provision that antitrust law is not to be affected by this section."

"Sec. 302: Deployment of Advanced and Modern Manufacturing Technologies and Practices.—Sets out the general framework for Technology Administration assistance to manufacturers. Directs the Secretary, using the State Technology Extension Program, the National Manufacturing Outreach Network established under section 303, and the Manufacturing Technology Centers, to work with state and local governments, academia, worker organizations, and others to encourage the use of modern and advanced manufacturing technologies. This section also establishes a National Quality Laboratory within the National Institute of Standards and Technology to assist private sector quality efforts."

"Sec. 303: Nationwide Manufacturing Outreach Network.—This section establishes a "Network" to organizationally and electronically link organizations throughout the United States that are engaged in manufacturing or technology extension and outreach activities to help U.S. manufacturers accelerate their use of modern manufacturing practices. Directs the Technology Administration to develop an interactive communications system that provides information to manufacturers on standards, quality, and technology developments. Requires the submission by the Secretary within one year after enactment of this title of a five-year plan for implementing and expanding the Network in a geographically balanced manner, including a merit-based process for selection of additional Manufacturing Outreach Centers. Requires an evaluation of the need for a National Conference of States on Technology Extension."

"Sec. 304: Role of the Secretary and other Executive Agencies.—Requires that the Secretary consult with other appropriate agencies and other groups regarding manufacturing programs."

"Sec. 305: American Workforce Quality Partnerships.—This section establishes a grants program for partnerships created between one or more manufacturing or technology-based firms and one or more institu-

tions of higher education. In order to qualify, industry must be committed to adopting a competitiveness-oriented strategy such as total quality management. Colleges also may train other non-partnership affiliated citizens and an enhanced technical education infrastructure and capability. Workers get training in new work organization strategy, total quality techniques, technician or technical skills. Grants are made on a competitive basis with a matching funds provision. Funds can be used for the purchase or lease of training equipment but not for the purchase of equipment for commercial purposes. The Department of Commerce will administer the program in consultation with the Departments of Labor and Education.

Sec. 206: Miscellaneous and Conforming Amendments.

Sec. 207: Manufacturing Technology Centers.—Enhances the MTC program by (1) extending the eligibility for financial support of existing centers; (2) expanding the range of services a center may offer; (3) authorizing establishment of Local Manufacturing Offices, and expanding the general authorities for the State Technology Extension Program.

Sec. 208: National Science Foundation Manufacturing Activities.—Directs the National Science Foundation to expand the number of Engineering Research Centers including establishing at least one Engineering Research Center (ERC) with a research and education focus on advanced manufacturing in critical technology fields. Provides general authority to establish graduate traineeships in manufacturing education, to establish a program helping two-year colleges temporarily to employ manufacturing managers from industry, and to develop innovative curricula related to total quality management.

#### TITLE III—CRITICAL TECHNOLOGIES

##### Subtitle A—Miscellaneous

Sec. 301: Findings.

Sec. 302: Study of Semiconductor Lithography Technologies.—Requires the Under Secretary to submit to Congress within nine months after enactment of this Act a report on advanced lithography technologies for the production of semiconductor devices.

##### Subtitle B—Advanced Technology Program

Sec. 321: Development of Program Plan.—Directs the Secretary within six months to prepare and submit to Congress a management plan for the Advanced Technology Program regarding how the Department will (1) coordinate and cooperate with other complementary Federal R&D programs, especially with the Defense Advanced Research Projects Agency (DARPA); (2) encourage greater industry participation in the program; (3) includes as many critical technologies as appropriate; (4) handle increases in the number and scope of ATP awards; and (5) support large-scale, industry-led consortia.

Sec. 322: Technical Amendment.

##### Subtitle C—Technology Development Loans

Sec. 331: Technology Development Loans.—Authorizes the Secretary to make loans to businesses eligible for assistance under the Advanced Technology Program as needed for sound financing of research, development, and utilization of advanced technologies and products. Authorizes the Department of Commerce to implement this program through the Critical Technologies Development Program, Subtitle E.

##### Subtitle D—Critical Technologies Development

##### Part I—General Provisions

Sec. 341: Short Title: "Critical Technologies Development Act of 1992."

Sec. 342: Definitions.

Sec. 343: Establishment of Program.—Assigns responsibility for carrying out this Subtitle to the Under Secretary of Commerce for Technology. Authorizes the Under Secretary to delegate administrative functions of the program established by this Subtitle to another Federal agency with a similar program.

Sec. 344: Advisory Committee.—Requires the Under Secretary to establish an independent advisory committee to provide advice on matters related to program policy, planning, and operation.

##### Part II—Program structure and operation

Sec. 351: Organization and Licensing.—Establishes criteria for licensing of private companies (e.g., technology investment firms, which may be owned, in whole or in part, by universities, corporations, public and private pension funds, state and local government agencies, joint ventures, financial institutions, or individuals) to serve as intermediaries in allocating financial assistance provided under this Act to business concerns that are engaged principally in development and exploitation of critical technologies or are participating in the Small Business Innovative Research (SBIR) program or the Advanced Technology Program (i.e., qualified business concerns); establishes licensing procedures and eligibility requirements for licensees.

Sec. 352: Capital Requirements.—Establishes minimum private equity capital requirements of \$10 million for a regular licensee and \$5 million for a licensee in which a university or consortium of universities provide at least 25 percent of its private equity capital.

Sec. 353: Financing.—Authorizes the Under Secretary to purchase or guarantee non-participating preferred securities issued by licensees that meet certain conditions; establishes a borrowing rate for licensees at the Federal borrowing rate plus a premium (not to exceed 2 percent); limits the borrowing of a licensee from the Federal government to 200 percent of its private capital up to a maximum of \$100 million; requires proceeds of borrowing to be invested in qualified business concerns, of which at least 50 percent must be for early-stage financing activities, or to be used to redeem outstanding preferred securities; authorizes the Under Secretary to make dividend payments on behalf of a licensee; requires redemption of preferred securities and payment of dividends in arrearages within 10 years of issuance.

Sec. 354: Issuance and Guarantee of Trust Certificates.—Authorizes the Secretary to issue trust certificates, representing pools of preferred securities issued by licensees, to the public to fund the program established by this Act; authorizes the Under Secretary to guarantee 100 percent of principal and interest on trust certificates.

Sec. 355: Capital for Qualified Business Concerns.—Establishes conditions under which licensees may provide equity capital and make loans to qualified business concerns.

Sec. 356: Limitation on amount of Assistance.—Restricts amount of investment that a licensee may make in a single qualified business concern to not more than 20 percent of the licensee's private equity capital.

Sec. 357: Operation and Regulation.—Allows licensees to make equity investments and provide loans on a participating basis with other investors and lenders; authorizes the Secretary of Commerce and the Federal Reserve to provide advisory services to licensees; authorizes the Under Secretary to

prescribe regulations to govern the operations of licensees; establishes that the U.S. is not liable for a licensee's actions.

Sec. 358: Technical Assistance for Licensees and Qualified Business Concerns.—Directs the Secretary of Commerce to provide consulting services and technical assistance on a waivable fee basis to licensees and businesses receiving financing from licensees to enhance their opportunity for success and to reduce their technical and business risk.

Sec. 359: Annual audit and Report.—Requires the Under Secretary to conduct detailed and timely audits and to report annually to Congress on program performance.

##### Part III—Enforcement

Sections 361 through 368 provide enforcement powers to the Secretary of Commerce, and recourse to licensees, that are similar to those provided under the Small Business Investment Act of 1958, as amended.

Sec. 361: Investigations and Examinations.

Sec. 362: Revocation and Suspension of Licenses; Cease and Desist Orders.

Sec. 363: Injunctions and Other Orders.

Sec. 364: Conflicts of Interest.

Sec. 365: Removal or Suspension of Directors and Officers.

Sec. 366: Unlawful Acts.

Sec. 367: Penalties and Forfeitures.

Sec. 368: Jurisdiction and Service of Process.

Sec. 369: Antitrust Savings Clause.

##### TITLE IV—MISCELLANEOUS

Sec. 401: International Standardization.—Makes findings about the importance of international standards. Authorizes the Department of Commerce National Institute for Standards and Technology to expand international standards promotion activities. Requires the Secretary of Commerce to report to the Congress on the appropriate Department of Commerce role in global standards issues discussed and described in the Office of Technology Assessment report on that topic.

Sec. 402: Malcolm Baldrige Award Amendments.—Amends the Stevenson-Wydler Act to permit more than two Malcolm Baldrige National Quality awards to be given in one category, adds a Baldrige award category for "educational institutions," and requires a report to Congress on the criteria for quality awards in educational categories.

Sec. 403: Cooperative Research and Development Agreements.—Amends the Stevenson-Wydler Act to permit real property to be included in Federal government contribution under Cooperative Research and Development agreements.

Sec. 404: Clearinghouse on State and Local Initiatives.—Amends the Stevenson-Wydler Act to provide for the Clearinghouse on State and Local Initiatives to be part of the National Institute of Standards and Technology.

Sec. 405: Competitiveness Assessments and Evaluations.—Amends the Stevenson-Wydler Act to provide for evaluation of Federal technology programs in order to improve their contribution to U.S. competitiveness.

Sec. 406: Use of Domestic Products.—Prohibits fraudulent use of "Made in America" labels and requires that procurement under this Act be made in accordance with the "Buy America Act."

Sec. 407: Severability.—Provides that if any portion of this Act shall be found to be invalid, that the remaining legislation will not be affected.

##### TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501: Technology Administration.—Authorizes \$11 million for the Office of the

Under Secretary of Commerce for Technology Administration for FY 1994, including \$3 million for the Office of the Under Secretary; \$5 million for Technology Policy; and \$2 million for the Japanese Technical Literature Program; and \$1 million for competitiveness research, data collection, and evaluation. Asks the National Technical Information Service to examine the possibility of modernizing its operations in conjunction with its current efforts to enter a new lease.

Sec. 502: National Institute of Standards and Technology.—Authorizes appropriations for the intramural scientific and technical research and services activities of the Institute in the amount of \$272.5 million for FY 1994 by line items, and sets authorization floors for certain activities of the total funds. In addition, \$25 million is authorized for renovation and upgrading of NIST facilities. (This funding level is in keeping with the Bush Administration's commitment to double NIST core funding over a five year period.) This section also authorizes appropriations for extramural industrial technology services of \$35 million for the Regional Centers for the Transfer of Manufacturing Technology for FY 1994; \$2.5 million for the State Technology Extension Program for FY 1994; and \$1.5 billion for the Advanced Technology Program for FY 1994 through 97.

Sec. 503: Additional Activities of the Technology Administration.—Authorizes appropriations for various activities of the Technology Administration including \$120,000,000 for FY 1994 and FY 1995 for the National Manufacturing Outreach Network; \$20,000,000 for FY 1994 for the Technology Development Loan Program; and \$100,000,000 for FY 1994 and FY 1995 for the Critical Technologies Development Program.

Sec. 504: National Science Foundation.—Authorizes appropriations in the amount of \$20,000,000 for FY 1994 for programs of the National Science Foundation created under this Act.

Sec. 505: Availability of Appropriations.—Provides that appropriations made under the authority of this Title shall remain available as specified in appropriations acts.

#### TITLE VI—FASTENER QUALITY ACT AMENDMENTS

This title contains technical and clarifying amendments to the Fastener Quality Act. They greatly simplify the means by which a manufacturer can demonstrate the chemical characteristics of a lot for purposes of the Act.

Mr. WALKER. Mr. Chairman, I yield myself my remaining 3½ minutes.

Mr. Chairman, this has been a useful debate I think, and I thank the chairman of the committee for his useful remarks. I think that it has focused on the differences of the two approaches to this legislation, and in fact the titles of the bill in many ways focus on the two different approaches.

The bill that the majority brings to the floor today is the National Competitiveness Act. If Members have listened to their speakers, what they want to do is nationalize the competitiveness problem. They have Government solutions that seek to have Government get more involved with business. Nationalization is the way that they think that you can improve this country's competitive position in the world.

We, on the other hand, have introduced the Fundamental Competitive-

ness Act. We think there are fundamental problems that lie at the base of our economic life that are driving our competitiveness out of the world market. We believe that unless we fix those fundamental problems that we are going to have additional problems in competing in a global economy.

The gentleman from North Dakota said we have questions we have to address of a microeconomic nature. That is absolutely correct. And that is what we attempted to do with the bill that we sought to bring to the floor today. We sought to address some of these big economic issues so that in fact American business can become competitive. We are even willing to acknowledge that there is some role for Government within that context, and we are only offering our bill as an amendment to their bill.

But the fact is that they do not want to deal with those fundamental problems and so, therefore, have prevented us from coming to the floor with what we think are the real fixes.

The gentleman from California, and I respect him for it, said we are trying to fix all of the problems in one big bill. What I regard as the situation here is that we never seem to fix any problems in any bill. We cannot seem to get anything out on the product liability issue. In fact, that got out of the committee and has been struck, evidently because the trial lawyers will not approve it coming to the floor, so somewhere along the line we have to face up to really addressing issues. We had hoped to do it here today.

However, I am strongly opposed to H.R. 5231 in its current form, and as a matter of fact the Secretary of Commerce, the Council on Economic Advisers, the President's Science Advisor and the Small Business Administrator all recommend a veto of this bill should it pass.

This legislation seeks to improve competitiveness by providing nearly \$2.2 billion in additional spending, and that means added debt, and added deficit. I cannot support that approach. If we are going to increase the deficit, or perhaps increase taxes in order to pay for this bill, that would actually have the impact of harming our competitiveness rather than enhancing it. If we are really serious about doing something about competitiveness, let us work together to produce a bill that the President can sign and should sign. That would be the right kind of bipartisan approach. To simply come out with a bill that the President is almost sure to veto does not, it seems to me, produce a bipartisan solution. We can in fact produce a bipartisan solution by adopting the Republican amendment and bringing this bill forward in that form. That way we would have a bill that the President can sign. That is the course of action we ought to take, a real bipartisan solution that would

have real consequences for America's competitiveness.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 5231 and want to commend Chairman BROWN and Chairman VALENTINE for their hard work on this legislation.

What we have before us today is a major step toward establishing an industrial policy in this country. The National Competitiveness Act enhances the Federal Government's commitment to promote technology and new product development in the private sector.

The international marketplace is the future for the American economy. During this persistent recession, our export markets have provided the only source of growth for local economy. We cannot hope to compete in the future with our foreign competitors if we fail to utilize all of our resources at home. The National Competitiveness Act will improve the competitiveness of small- and medium-sized manufacturers by improving access to the information and expertise they need to compete throughout the world. The bill creates a public-private partnership between our Government and domestic industries.

For California, this bill lays the groundwork to increase technology commercialization in the defense industry similar to the economic conversion proposals contained in the fiscal year 1993 Defense authorization bill. It will direct Federal resources to high-tech industries that are now being impacted by defense budget reductions. As a result, we can try to maintain California's high-technology job base.

Specifically, H.R. 5231 creates a grants program under the Department of Commerce to promote advanced technology development and utilization. Additionally, the bill creates technology outreach centers to assist industry in using advanced manufacturing processes and technologies. Finally, the legislation improves existing programs in the National Institute of Standards and Technology, the Technology Administration, and the National Science Foundation.

Mr. Chairman, this is a good bill. Clearly, there are other initiatives that should also be adopted by this body to promote business interest in the United States. But, today, we can start the process of developing a good industrial policy by passing H.R. 5231. I urge my colleagues to support this measure.

Mr. DICKS. Mr. Chairman, as a cosponsor of H.R. 5231, I am pleased to rise in support of this critical legislation. I want to take this opportunity to commend the gentleman from California [Mr. BROWN] for his leadership in bringing this measure before the House today.

All of us agree that the battleground for future international competitions is increasingly focused on economic vitality as opposed to military might. But to date, the debate has focused excessively on protectionism versus free trade rules and has missed the real issue that will decide our future economic success. The central issue will be whether this Nation can maintain its historic leadership in not just developing new technologies, but in producing and marketing those technologies in a competitive world market.

Succeeding in this challenge will require the active cooperation of Government, business and labor. It does not require that Government make decisions about who should win and

who should lose in market decisions. But it does require that the Federal Government do more than it has to date, and that it coordinate its efforts far more effectively.

H.R. 5231 meets this test admirably. First it will better coordinate our efforts to develop and market advanced technologies by giving the Department of Commerce the clear responsibility as the lead agency to help U.S. industry develop and adopt new technologies and processes. It requires development of an advanced technology program so that we can have a blueprint of what we want to accomplish and a rational way to weigh alternatives and priorities, compared to the piecemeal, duplicative and ad hoc approach that exists today.

The bill will establish a network of manufacturing outreach centers to provide technology extension services to American manufacturers, patterned after the very successful agriculture extension services. It will encourage additional consortia between Government and industry in critical technology areas along the lines of the successful Sematech Program. It provides additional available resources to the National Institute of Standards of Technology, and a peer reviewed matching grant program for development of advanced technologies.

The additional authorizations provided in this bill are modest, \$2.2 billion, but they have the potential to produce many times that figure in economic activity and high paying, challenging jobs for Americans not just today, but for our children in the future.

This legislation is not the entire solution to our competitiveness requirements, however. I am also a cosponsor of H.R. 5230, also introduced by Chairman BROWN, that includes additional provisions focusing on science and technical education and tax and investment incentives that are under the jurisdiction of other committees of the House. These elements are just as critical to a successful technology policy and I urge the involved committees to act on these related provisions as soon as possible so that a truly comprehensive approach to the issue can be achieved.

Mr. Chairman, it is not every day you can find a bill that is supported by labor and management and is truly bipartisan. In fact, all too often the pressures of international economic competition have tended to polarize Americans rather than unite them. This is a case where we can reverse that trend and march together down a path that will improve our economic performance, and ultimately benefit our neighbors as well with the fruits of economic development. I urge overwhelming approval of this legislation.

Mr. HOYER. Mr. Chairman, today I rise in strong support of H.R. 5231, the National Competitiveness Act of 1992. For too long, we have allowed the free market to exercise its will, and send some of our country's best jobs and industries to overseas competitors. Now is the time for Congress and the executive branch to join in a partnership with our country's manufacturers and universities to provide future jobs and opportunity for the American people.

We need only look to our strongest economic competitors to see that Government assistance and investment helps business. We must foster good working relationships be-

tween Government, business, and academia if we are to meet the challenges of global economic competition, and the goal of increasing our standard of living.

H.R. 5231 seeks to set American manufacturing on a solid base to compete with our overseas competitors who already rely on Government funded outreach programs, research and development, and infrastructure improvements. H.R. 5231 recognizes that if our economy and standard of living are to improve, cooperative efforts between industry and the public sector must be promoted.

Consequently, the National Competitiveness Act will charge Government with helping industry identify those technologies which are most important for the future of our economy. It will require Government to work with industry to address ideas such as: removing impediments to technological development; improving manufacturing infrastructure; easing access to capital; improving training and education of workers; and promoting international standards favorable to American goods.

Between 1972 and 1987, my home State of Maryland lost approximately 40,000 manufacturing jobs which have had a significant impact on our economy. Manufacturing jobs provide the pay which helps create and sustain a higher standard of living for our workers and their families, and in turn, our country as well.

Today we can act for a stronger American economy and for a more secure future for American workers. Support H.R. 5231.

Ms. HORN. Mr. Speaker, we all are aware of the economic situation in this country. In every town and city, people have lost their jobs or are worried about losing their jobs. We have watched our manufacturing and high tech industries move overseas, taking good-paying jobs with them. My own district in St. Louis has suffered the loss of thousands of jobs, particularly in the defense industry, as have many communities across the country. Now is the time to take action to revitalize our industrial sector.

Last year, I introduced legislation to facilitate the transfer of defense technologies to the civilian sector. Although many of these provisions are now public law, more needs to be done. However necessary these Department of Defense programs are, they are not sufficient to move our country forward in manufacturing, communications, industrial processes, materials and other critical high technology sectors. To ensure our competitiveness in the global marketplace, we need a comprehensive effort to improve the efficiency and productivity of all our commercial enterprises. This requires the Department of Commerce, through its technology administration and advanced technology program [ATP], to take the lead in helping our industrial sector compete worldwide.

Such steps have been used by our competitors to outcompete us in the marketplace. For example, products invented here but manufactured in Japan have helped fuel that Nation's emergence as an economic power. We need to revitalize our manufacturing as well.

This legislation is the result of work by Chairmen BROWN and VALENTINE over the past year. Through many subcommittee hearings, including one in my district, testimony from those on the front lines—in America's manu-

facturing and high tech industries—was received and reviewed. They told us what they need in order to compete. In addition, we heard views from economists, trade associations, Government officials and academics. This legislation represents a consensus. It helps by providing capital in the form of loans and equity, expanding the excellent advanced technology program at the National Institutes of Standards and Technology and establishing a nationwide network of manufacturing outreach centers to make technologies available to small and medium-sized businesses throughout the country. It will also expand worker training programs and promote international standards essential to our ability to competitively sell our products worldwide.

In short, this legislation provides the support necessary to allow business, Government and workers to form a partnership to move our economy into the 21st century and be a major player in the global marketplace. Such steps are necessary to ensure the survival and vitality of critical sectors of our economy and to provide quality jobs and the high standard of living they make possible.

Mr. WALKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 102-861 is considered as an original bill for the purpose of amendment, and each title is considered as read.

Pursuant to the rule, the bill shall be considered under the 5-minute rule for a period not to exceed 4 hours.

The Clerk will designate title I.

The text of title I is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—GENERAL PROVISIONS

##### SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Competitiveness Act of 1992".

(b) TABLE OF CONTENTS.—

#### TITLE I—GENERAL PROVISIONS

Sec. 101. Short title; table of contents.

Sec. 102. Findings.

Sec. 103. Purposes.

Sec. 104. Goals.

Sec. 105. Definitions.

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Sec. 401. International standardization.

Sec. 402. Malcolm Baldrige Award amendments.

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Sec. 404. Clearinghouse on State and Local Initiatives.

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Sec. 407. Severability.

#### TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 501. Technology Administration.

Sec. 502. National Institute of Standards and Technology.

Sec. 503. Additional activities of the Technology Administration.

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#### TITLE VI—FASTENER QUALITY ACT AMENDMENTS

Sec. 601. References.

Sec. 602. Technical amendments.

Sec. 603. Clarifying amendments.

#### SEC. 102. FINDINGS.

The Congress finds that—

(1) the unprecedented competitive challenge the United States has faced during the past decade from foreign-based companies offering high-quality, low-priced products has contributed to a drop in real wages and standard of living;

(2) as international competition has intensified in advanced technology research, development, and applications, the passive nature of United States civilian technology policy has hindered the ability of American companies to compete in certain high technology fields;

(3) there is general agreement on which fields of technology are critical for economic

competitiveness in the next century, but the United States Government lacks a comprehensive strategy for ensuring that the appropriate research, development, and applications activities and other reforms occur so these technologies are readily available to United States manufacturers for incorporation into products made in the United States;

(4) strategic technology planning, the support of critical technology research, development, and application, and advancement of manufacturing technology development and deployment are appropriate Government roles;

(5) the cost of and difficulty in obtaining venture capital are significant deterrents to the expansion of small high technology companies; and

(6) standardization of weights and measures, including development and promotion of product and quality standards, has a significant role to play in competitiveness.

#### SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) develop a nationwide network of sources of technological advice for manufacturers, particularly small and medium-sized firms, and to provide high quality, current information to that network;

(2) encourage the development and rapid application of advanced manufacturing processes;

(3) expand the scope and resources of the Advanced Technology Program of the National Institute of Standards and Technology;

(4) stimulate and supplement the flow of capital to business concerns engaged principally in development or utilization of critical and other advanced technologies;

(5) establish mechanisms to ensure synergistic linkages between Federal, State, and local initiatives aimed at enhancing the competitiveness of United States products; and

(6) enhance the core programs of the National Institute of Standards and Technology.

#### SEC. 104. GOALS.

The goals of this Act are to—

(1) improve the competitiveness of small and medium-sized manufacturers by improving access to the information and expertise required to compete throughout the world;

(2) improve the United States position in technologies essential to economic growth and national welfare by promoting research, development, and timely utilization of those technologies;

(3) utilize the State and local capabilities in industrial extension to improve the efficiency, quality, and strength of national programs to improve the competitiveness of United States products; and

(4) expand the availability of low-cost patient capital to United States companies developing or utilizing critical or other advanced technologies.

#### SEC. 105. DEFINITIONS.

For purposes of this Act—

(1) the term "Director" means the Director of the Institute;

(2) the term "Institute" means the National Institute of Standards and Technology;

(3) the term "Secretary" means the Secretary of Commerce; and

(4) the term "Under Secretary" means the Under Secretary of Commerce for Technology.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 1, after the enacting clause insert the following titles and renumber the subsequent titles accordingly:

#### TITLE I—PUBLIC DEBT REDUCTION

##### SEC. 101. DESIGNATION OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following new part:

##### "PART IX—DESIGNATION FOR REDUCTION OF PUBLIC DEBT.

"Sec. 6097. Designation.

##### "SEC. 6097. DESIGNATION.

"(a) IN GENERAL.—Every individual with adjusted income tax liability for any taxable year may designate that a portion of such liability (not to exceed 10 percent thereof) shall be used to reduce the public debt.

"(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of tax imposed by chapter 1 for the taxable year. The designation shall be made on the first page of the return or on the page bearing the taxpayer's signature.

"(c) ADJUSTED INCOME TAX LIABILITY.—For purposes of this section, the term 'adjusted income tax liability' means income tax liability (as defined in section 6096(b)) reduced by any amount designated under section 6096 (relating to designation of income tax payments to Presidential Election Campaign Fund).

"(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end the following new item:

"Part IX. Designation for reduction of public debt."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

##### SEC. 102. PUBLIC DEBT REDUCTION TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (Relating to trust fund code) is amended by adding at the end the following section:

##### "SEC. 9511. PUBLIC DEBT REDUCTION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Public Debt Reduction Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Public Debt Reduction Trust Fund amounts equivalent to the amounts designated under section 6097 (relating to designation for public debt reduction).

"(c) EXPENDITURES.—Amounts in the Public Debt Reduction Trust Fund shall be available only for purposes of paying at maturity, or to redeem or buy before maturity, any obligation of the Federal Government included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from such Trust Fund shall be canceled and retired and may not be reissued."

"(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9511. Public Debt Reduction Trust Fund."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts

received after the date of the enactment of this Act.

**SEC. 103. TAXPAYER-GENERATED SEQUESTRATION OF FEDERAL SPENDING TO REDUCE THE PUBLIC DEBT.**

(a) SEQUESTRATION TO REDUCE THE PUBLIC DEBT.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 253 the following new section:

**"SEC. 253A. SEQUESTRATION TO REDUCE THE PUBLIC DEBT.**

"(a) SEQUESTRATION.—Notwithstanding sections 255 and 256, within 15 days after Congress adjourns to end a session (other than the One Hundred Second Congress), and on the same day as sequestration (if any) under sections 251, 252, and 253, but after any sequestration required by those sections, there shall be a sequestration equivalent to the estimated aggregate amount designated under section 6097 of the Internal Revenue Code of 1986 for the last taxable year ending before the beginning of that session of Congress.

**"(b) APPLICABILITY.—**

"(1) IN GENERAL.—Except as provided by paragraph (2), each account of the United States shall be reduced by a dollar amount calculated by multiplying the level of budgetary resources in that account at that time by the uniform percentage necessary to carry out subsection (a). All obligatory authority so reduced shall be done in a manner that makes such reductions permanent.

"(2) EXEMPT ACCOUNTS.—No order issued under this part may—

"(A) reduce benefits payable the old-age, survivors, and disability insurance program established under title II of the Social Security Act;

"(B) reduce payments for net interest (all of major functional category 900); or

"(C) make any reduction in the following accounts:

"Federal Deposit Insurance Corporation, Bank Insurance Fund;

"Federal Deposit Insurance Corporation, FSLIC Resolution Fund;

"Federal Deposit Insurance Corporation, Savings Association Insurance Fund;

"National Credit Union Administration, credit union share insurance fund; or

"Resolution Trust Corporation."

(b) REPORTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subsection (d)(1), by inserting ", and sequestration to reduce the public debt,";

(2) in subsection (d), by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) SEQUESTRATION TO REDUCE THE PUBLIC DEBT REPORTS.—The preview reports shall set forth for the budget year estimates for each of the following:

"(A) The aggregate amount designated under section 6097 of the Internal Revenue Code of 1986 for the last taxable year ending before the budget year.

"(B) The amount of reductions required under section 253A and the deficit remaining after those reductions have been made.

"(C) The sequestration percentage necessary to achieve the required reduction in accounts under section 253A(b)."; and

(3) in subsection (g), by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) SEQUESTRATION TO REDUCE THE PUBLIC DEBT REPORTS.—The final reports shall contain all of the information contained in the preview reports required under subsection (d)(5)."

(c) EFFECTIVE DATE.—Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the expiration date set forth in that section shall not apply to the amendments made by this Act. The amendments made by this Act shall cease to have any effect after the first fiscal year during which there is no public debt.

**TITLE II—CAPITAL FORMATION**

**SEC. 201. FINDINGS.**

The Congress finds that—

(1) competitiveness studies consistently show that the United States business sector needs to have access to greater amounts of capital at low cost;

(2) capital formation is a goal that should be fostered by the United States Government;

(3) our main economic competitors encourage capital formation by low rates of taxation on capital gains and savings and investment; and

(4) lowering tax rates in the United States on capital gains and savings and investment will make our country more competitive internationally.

**SEC. 202. RESEARCH CREDIT IMPROVEMENT.**

(a) ALTERNATIVE CREDIT CALCULATION BASED ON AGGREGATE RESEARCH EXPENSES.—

(1) IN GENERAL.—Subsection (a) of section 41 of the Internal Revenue Code of 1986 (relating to general rule) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 1 of the following amounts (as elected by the taxpayer for the taxable year):

"(1) 25 PERCENT OF INCREASED RESEARCH EXPENSES.—The sum of—

"(A) 25 percent of the excess (if any) of—

"(i) the qualified research expenses, over

"(ii) the base amount, and

"(B) 25 percent of the basic research payments, determined under subsection (e)(1)(A).

"(2) 5 PERCENT OF AGGREGATE RESEARCH EXPENSES.—The sum of—

"(A) 5 percent of the qualified research expenses, determined by substituting '100 percent' for '65 percent' in subsection (b)(3)(A), and

"(B) 5 percent of the basic research payments, determined under subsection (e)(2)."

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 41(e) of such Code (relating to basic research credit) is amended—

(i) by striking "subsection (a)(2)" and inserting "subsection (a)(1)(B)", and

(ii) by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)".

(B) Subparagraph (C) of section 41(e)(7) of such Code (relating to definitions and special rules) is amended—

(i) by striking "INCREMENTAL" in the subparagraph caption and inserting "OTHER",

(ii) by striking "subsection (a)(1)" and inserting "paragraph (1)(A) or (2)(A) of subsection (a)",

(iii) by striking "subsection (a)(2)" and inserting "paragraph (1)(B) or (2)(B) of such subsection",

(iv) by striking "subsection (a)(1)(A)" and inserting "paragraph (1)(A)(i) or (2)(A) of such subsection", and

(v) by striking "subsection (a)(1)(B)" and inserting "paragraph (1)(A)(ii) of such subsection".

(C) Subparagraph (A) of section 280C(c)(2) of such Code (relating to disallowance of deduction for expenses for which research credit taken) is amended by striking "section

41(a)(1)" and inserting "paragraph (1)(A) or (2)(A) of section 41(a)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

**(b) PERMANENT EXTENSION OF CREDIT.—**

(1) IN GENERAL.—Section 41 of such Code is amended by striking subsection (h) (relating to termination).

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 28(b) of such Code (relating to qualified clinical testing expenses) is amended by striking subparagraph (D).

**SEC. 203. VARIABLE CAPITAL GAINS.**

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

**"SEC. 1202. VARIABLE CAPITAL GAINS DEDUCTION.**

"(a) DEDUCTION ALLOWED.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(1) 100 percent of the qualified 10-year net capital gain,

"(2) 90 percent of the qualified 9-year net capital gain,

"(3) 80 percent of the qualified 8-year net capital gain,

"(4) 70 percent of the qualified 7-year net capital gain,

"(5) 60 percent of the qualified 6-year net capital gain,

"(6) 50 percent of the qualified 5-year net capital gain,

"(7) 40 percent of the qualified 4-year net capital gain,

"(8) 30 percent of the qualified 3-year net capital gain,

"(9) 20 percent of the qualified 2-year net capital gain, plus

"(10) 10 percent of the qualified 1-year net capital gain.

"(b) QUALIFIED NET CAPITAL GAIN.—For purposes of subsection (a)—

"(1) QUALIFIED 10-YEAR NET CAPITAL GAIN.—

The term 'qualified 10-year net capital gain' means the amount of net long-term capital gain which would be computed for the taxable year if only capital assets held by the taxpayer for at least 10 years at the time of the sale or exchange were taken into account. Such term shall not exceed the amount of the net capital gain for such taxable year.

"(2) QUALIFIED 9-YEAR NET CAPITAL GAIN.—

The term 'qualified 9-year net capital gain' means the amount of net long-term capital gain which would be computed for the taxable year if only capital assets held by the taxpayer for at least 9 years but less than 10 years at the time of the sale or exchange were taken into account. Such term shall not exceed the amount of the net capital gain for such taxable year reduced by the amount of the qualified 10-year net capital gain.

"(3) OTHER DEFINITIONS.—The amount of the qualified 8-year net capital gain, 7-year net capital gain, 6-year net capital gain, 5-year net capital gain, 4-year net capital gain, 3-year net capital gain, qualified 2-year net capital gain, and qualified 1-year net capital gain shall be determined under the principles of paragraphs (1) and (2).

"(c) ESTATE AND TRUSTS.—In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sec-

tions 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

**(b) TREATMENT OF COLLECTIBLES.—**

**(1) IN GENERAL.**—Section 1222 of such Code is amended by inserting after paragraph (1) the following new paragraph:

**"(12) SPECIAL RULE FOR COLLECTIBLES.—**

**"(A) IN GENERAL.**—Any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

**"(B) TREATMENT OF CERTAIN SALES OF INTEREST IN PARTNERSHIP, ETC.—**For purposes of subparagraph (A), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

**"(C) COLLECTIBLE.**—For purposes of this paragraph, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m)) without regard to paragraph (3) thereof."

**(2) CHARITABLE DEDUCTION NOT AFFECTED.—**

**(A)** Paragraph (1) of section 170(e) of such Code is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)."

**(B)** Clause (iv) of section 170(b)(1)(C) of such Code is amended by inserting before the period at the end thereof the following: "and section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)".

**(c) CONFORMING AMENDMENTS.—**

**(1)** Section 1 of such Code is amended by striking subsection (h).

**(2)** Subsection (a) of section 62 of such Code is amended by inserting after paragraph (13) the following new paragraph:

**"(14) LONG-TERM CAPITAL GAINS.**—In the case of a taxpayer other than a corporation, the deduction allowed by section 1202."

**(d) EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 204. CAPITAL GAINS EXCLUSION FOR START-UP BUSINESS STOCK.**

**(a) TAXPAYERS OTHER THAN CORPORATIONS.**—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

**"SEC. 1203. DEDUCTION FOR CAPITAL GAINS ON CERTAIN BUSINESS STOCK HELD FOR MORE THAN 2 YEARS.**

**"(a) GENERAL RULE.**—If for any taxable year a taxpayer other than a corporation has a qualified business net capital gain, there shall be allowed as a deduction from gross income an amount equal to 50 percent of the qualified business net capital gain.

**"(b) QUALIFIED BUSINESS NET CAPITAL GAIN.**—For purposes of this section—

**"(1) IN GENERAL.**—The term 'qualified business net capital gain' means the lesser of—

**"(A)** the net capital gain for the taxable year, or

**"(B)** the net capital gain for the taxable year determined by taking into account only

gain or loss from qualified business stock with a holding period of at least 2 years at the time of the disposition.

**"(2) QUALIFIED BUSINESS STOCK.—**

**"(A) IN GENERAL.**—The term 'qualified business stock' means stock which—

**"(i)** is first acquired (whether directly or through an underwriter) from the issuer by the taxpayer, and

**"(ii)** is not issued in redemption of (or otherwise exchanged for) stock.

**"(B) EXCEPTION FOR PERSONAL SERVICE CORPORATIONS.**—The term 'qualified business stock' does not include stock issued by a personal service corporation (within the meaning of section 269A(b)(1)).

**"(c) ESTATES AND TRUSTS.**—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets."

**(b) CORPORATIONS.**—Section 1201 of such Code (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

**"(b) DEDUCTION FOR GAIN ON QUALIFIED BUSINESS STOCK.—**

**"(1) IN GENERAL.**—If for any taxable year a corporation has a qualified business net capital gain, there shall be allowed as a deduction from gross income an amount equal to 50 percent of the qualified business net capital gain.

**"(2) QUALIFIED BUSINESS NET CAPITAL GAIN.**—For purposes of this subsection, the term 'qualified business net capital gain' has the meaning given such term in section 1203(b)."

**(c) CONFORMING AMENDMENTS.—**

**(1)** Subsection (a) of section 1201 of such Code is amended by inserting after "net capital gain" each place it appears the following: "(other than qualified business net capital gain (within the meaning of section 1203(b)))".

**(2)** Subsection (a) of section 62 of such Code is amended by adding at the end the following new paragraph:

**"(15) QUALIFIED BUSINESS STOCK CAPITAL GAINS.**—The deduction allowed by section 1203."

**(3)(A)** The heading for section 1201 of such Code is amended to read as follows:

**"SEC. 1201. ALTERNATIVE TAX FOR CORPORATIONS; DEDUCTION FOR GAIN ON QUALIFIED BUSINESS STOCK."**

**(B)** The item relating to section 1201 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended to read as follows:

**"Sec. 1201. Alternative tax for corporations; deduction for gain on qualified business stock."**

**(4)** The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

**"Sec. 1203. Deduction for capital gains on certain business stock held for more than 2 years."**

**(d) EFFECTIVE DATE.**—The amendments made by this section shall apply to stock issued after the date of the enactment of this Act.

**SEC. 205. INDEXING OF CERTAIN CAPITAL ASSETS.**

**(a) IN GENERAL.**—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

**"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.**

**"(a) GENERAL RULE.—**

**"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.**—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

**"(2) EXCEPTION FOR DEPRECIATION, ETC.**—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

**"(b) INDEXED ASSET.—**

**"(1) IN GENERAL.**—For purposes of this section, the term 'indexed asset' means—

**"(A)** stock in a corporation, and

**"(B)** tangible property (or any interest therein), which is a capital asset or property used in the trade or business (as defined in section 1231(b)).

**"(2) CERTAIN PROPERTY EXCLUDED.**—For purposes of this section, the term 'indexed asset' does not include stock in a foreign corporation.

**"(c) INDEXED BASIS.**—For purposes of this section—

**"(1) INDEXED BASIS.**—The indexed basis for any asset is—

**"(A)** the adjusted basis of the asset, multiplied by

**"(B)** the applicable inflation ratio.

**"(2) APPLICABLE INFLATION RATIO.**—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

**"(A)** the gross national product deflator the calendar quarter in which the disposition takes place, by

**"(B)** the gross national product deflator for the calendar quarter in which the asset was acquired by the taxpayer (or, if later, the calendar quarter ending December 31, 1991).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

**"(3) GROSS NATIONAL PRODUCT DEFULATOR.**—The gross national product deflator for any calendar quarter is the implicit price deflator for the gross national product for such quarter (as shown in the first revision thereof).

**"(d) SPECIAL RULES.**—For purposes of this section—

**"(1) TREATMENT AS SEPARATE ASSET.**—In the case of any asset, the following shall be treated as a separate asset:

**"(A)** a substantial improvement to property.

**"(B)** in the case of stock of a corporation, a substantial contribution to capital, and

**"(C)** any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

**"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—**

**"(A) IN GENERAL.**—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

**"(B) CERTAIN SHORT SALES.**—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any

short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (A)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is to secure or increase an adjustment under subsection (a), the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITION OF STOCK.—For purposes of this section, the term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 312 of such Code is amended by adding at the end the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

**For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets, see section 1022(a)(1)."**

(2) The table of sections for part II of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date of the enactment of this Act.

#### SEC. 206. CORPORATE DEBT-EQUITY EQUALIZATION.

(a) IN GENERAL.—Section 243 of the Internal Revenue Code of 1986 (relating to dividends received by corporations) is amended to read as follows:

##### "SEC. 243. DIVIDENDS PAID BY DOMESTIC CORPORATIONS.

"(a) GENERAL RULE.—In the case of a domestic corporation which is subject to taxation under this chapter, there shall be allowed as a deduction for the taxable year an amount equal to the dividends paid by such corporation during the taxable year.

"(b) DIVIDENDS.—For purposes of this section, the term 'dividend' means any dividend (as defined in section 316) to which section 301 applies.

"(c) CERTAIN CORPORATIONS NOT ELIGIBLE.—No deduction shall be allowed under this section with respect to dividends paid by any corporation which is—

"(1) an S corporation (as defined in section 1361(a)(1)),

"(2) a regulated investment company (as defined in section 851(a)),

"(3) a real estate investment trust (as defined in section 856(a)), or

"(4) a personal holding company (as defined in section 542).

"(d) SPECIAL RULES FOR CERTAIN DISTRIBUTIONS OF MUTUAL SAVINGS BANKS, ETC.—For purposes of this section, any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend."

(b) REPEAL OF CERTAIN DEDUCTIONS FOR DIVIDENDS RECEIVED.—Sections 244 (relating to dividends received on certain preferred stock) and 247 (relating to dividends paid on certain preferred stock of public utilities) of such Code are hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (5) of section 172(d) of such Code is amended to read as follows:

"(5) COMPUTATION OF DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS.—The deduction allowed by section 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246(b) (relating to limitation on aggregate amount of deductions)."

(2) The table of sections for part VIII of subchapter B of chapter 1 of such Code is

amended by striking the items relating to sections 243, 244, and 247 and inserting after the item relating to section 241 the following:

"Sec. 243. Dividends paid by domestic corporations."

(3) Paragraph (1) of section 245(a) of such Code (relating generally to dividends received from 10-percent owned foreign corporations) is amended by striking "the percent (specified in section 243 for the taxable year)" and inserting "85 percent (100 percent in the case of a small business investment company operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.))".

(4)(A) Subsection (a) of section 246 of such Code (relating to disallowance of deduction for dividends from certain corporations) is amended—

(i) in paragraph (1), by striking "sections 243, 244, and 245" and inserting "section 245", and

(ii) by striking paragraph (2).

(B) Subsection (b) of section 246 of such Code (relating to limitation on aggregate amount of deductions) is amended to read as follows:

"(b) LIMITATION ON AGGREGATE AMOUNT OF DEDUCTION.—

"(1) IN GENERAL.—Except as provided by paragraph (2), the aggregate amount of the deductions allowed by subsections (a) and (b) of section 245 shall not exceed 80 percent of the taxable income computed without regard to—

"(A) the deductions allowed by section 172,

"(B) any adjustment under section 1059, and

"(C) any capital loss carryback to the taxable year under section 1212(a)(1).

"(2) EFFECT OF NET OPERATING LOSS.—Paragraph (1) shall not apply for any taxable year for which there is a net operating loss (as determined under section 172)."

(C) Paragraph (1) of section 246(c) of such Code (relating to exclusion of certain dividends) is amended by striking "243, 244, or".

(D) Section 246 of such Code (relating to rules applying to deductions for dividends received) is amended by striking subsections (d) and (e).

(5)(A) Subsection (a) of section 246A of such Code (relating to general rule) is amended—

(i) in the matter preceding paragraph (1), by striking "243, 244, or", and

(ii) in paragraph (1), by striking "(80 percent in the case of any dividend from a 20-percent owned corporation as defined in section 243(c)(2))".

(B) Subsection (b) of section 246A of such Code (relating to inapplicability to dividends for which 100 percent dividends received deduction allowable) is amended to read as follows:

"(b) SECTION NOT TO APPLY TO DIVIDENDS FOR WHICH 100 PERCENT DIVIDENDS RECEIVED DEDUCTION ALLOWABLE.—Subsection (a) shall not apply to dividends received by a small business investment company operating under the Small Business Investment Act of 1958."

(C) Subsection (e) of section 246A of such Code (relating to reduction in dividends received deduction not to exceed allowable interest) is amended by striking "243, 244, or".

(6) Section 596 of such Code (relating to limitation on dividends received deduction) is amended by striking "sections 243, 244, and 245" and inserting "section 245".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

# SEC. 207. CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF EMPLOYEE SERVICES TO EDUCATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to deduction for charitable contributions) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) CORPORATE CONTRIBUTIONS OF EMPLOYEE SERVICES TO EDUCATIONAL ORGANIZATIONS.—

“(1) IN GENERAL.—There shall be allowed as a deduction under this section any charitable contribution by a corporation of employee volunteer services to an educational organization (within the meaning of subsection (b)(1)(A)(ii)).

“(2) VALUATION.—The value of a contribution under paragraph (1) shall be 50 percent of the amount paid or incurred by the corporation for salary, wages, and benefits for the employee for the time during which the employee provides employee volunteer services.

“(3) EMPLOYEE VOLUNTEER SERVICES.—For purposes of this subsection, the term ‘employee volunteer services’ means teaching, tutoring, or other assistance provided without charge or reimbursement by an employee during the regular working hours of the employer.

“(4) COORDINATION WITH DEDUCTION FOR BUSINESS EXPENSES.—A deduction allowed under this subsection for any expense shall be in addition to any deduction allowed for the same expense under section 162.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

# SEC. 208. INVESTMENT CREDIT FOR NEW MANUFACTURING AND OTHER PRODUCTION EQUIPMENT.

(a) ALLOWANCE OF CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of investment credit) is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by adding at the end thereof the following new paragraph:

“(4) the manufacturing and other productive equipment credit.”

(b) AMOUNT OF CREDIT.—Section 48 of such Code is amended by adding at the end thereof the following new subsection:

“(c) MANUFACTURING AND OTHER PRODUCTIVE EQUIPMENT CREDIT.—

“(1) IN GENERAL.—For purposes of section 46, the manufacturing and other productive equipment credit for any taxable year is the applicable percentage of the basis of each qualified manufacturing and productive equipment property placed in service during such taxable year.

“(2) QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified manufacturing and productive equipment property’ means any property—

“(i) which is used as an integral part of the manufacture or production of tangible personal property,

“(ii) which is tangible property to which section 168 applies,

“(iii) which is section 1245 property (as defined in section 1245(a)(3)), and

“(iv)(I) the construction, reconstruction, or erection of which is completed by the taxpayer, or

“(II) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

“(B) TREATMENT OF CERTAIN SOFTWARE.—In the case of any computer software which is used to control or monitor a manufacturing or production process and with respect to which depreciation (or amortization in lieu of depreciation) is allowable—

“(i) such software shall be treated as qualified manufacturing and productive equipment property, and

“(ii) paragraph (3)(C) shall not apply.

“(3) APPLICABLE PERCENTAGE.—For purposes of this subsection—

“(A) IN GENERAL.—In the case of qualified manufacturing and productive equipment property, the applicable percentage is the sum of—

“(i) 10 percent, plus

“(ii) 1/10th of the efficiency improvement percentage (if any) determined with respect to such property.

In no event shall the applicable percentage exceed 20 percent.

“(B) EFFICIENCY IMPROVEMENT PERCENTAGE.—For purposes of subparagraph (A), the term ‘efficiency improvement percentage’ means, with respect to any property, the percentage efficiency increase established by the taxpayer as resulting from the use of such property. For purposes of the preceding sentence, percentage efficiency increase shall be determined on the basis of the relationship of the amount of goods manufactured or produced to the cost of manufacture or production.

“(C) SPECIAL RULE FOR 3-YEAR PROPERTY.—In the case of any qualified manufacturing and productive equipment property which is 3-year property (within the meaning of section 168(e)), the applicable percentage shall be 60 percent of the amount otherwise determined under this paragraph.

“(4) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any property to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of such credits to such property.

“(5) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.”

(c) TECHNICAL AMENDMENTS.—

(1) Clause (ii) of section 49(a)(1)(C) of such Code is amended by inserting “or qualified manufacturing and productive equipment property” after “energy property”.

(2) Subparagraph (E) of section 50(a)(2) of such Code is amended by inserting “or 48(c)(5)” before the period at the end thereof.

(3) Paragraph (5) of section 50(a) of such Code is amended by adding at the end thereof the following new subparagraph:

“(D) SPECIAL RULES FOR CERTAIN PROPERTY.—In the case of any qualified manufacturing and productive equipment property which is 3-year property (within the meaning of section 168(e))—

“(i) the percentage set forth in clause (ii) of the table contained in paragraph (1)(B) shall be 66 percent,

“(ii) the percentage set forth in clause (iii) of such table shall be 33 percent, and

“(iii) clauses (iv) and (v) of such table shall not apply.”

(4)(A) The section heading for section 48 of such Code is amended to read as follows:

# “SEC. 48. OTHER CREDITS.”

(B) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such

Code is amended by striking the item relating to section 45 and inserting the following:

“Sec. 45. Other credits.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) property acquired by the taxpayer after the date of the enactment of this Act, and

(2) property the construction, reconstruction, or erection of which is completed by the taxpayer after the date of the enactment of this Act, but to the extent of the basis thereof attributable to construction, reconstruction, or erection after such date.

# SEC. 209. INCREASE IN LIMITATION BASED ON AMOUNT OF TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(1) of the Internal Revenue Code of 1986 is amended by striking “\$25,000” and inserting “\$50,000”.

(b) CONFORMING AMENDMENTS.—Paragraph (2) of section 38(c) of such Code is amended—

(1) by striking “\$25,000” each place it appears and inserting “\$50,000”, and

(2) by inserting “\$12,500” in subparagraph (A) and inserting “\$25,000”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

# SEC. 210. SPECIAL TREATMENT FOR LOSSES ON INVESTMENT IN MANUFACTURING FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 1244 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) GENERAL RULE.—In the case of an individual, any loss on—

“(1) section 1244 stock issued to such individual or to a partnership, or

“(2) qualified manufacturing stock,

which would (but for this section) be treated as a loss from the sale or exchange of a capital asset shall, to the extent provided in this section, be treated as an ordinary loss.”

(b) QUALIFIED MANUFACTURING STOCK.—Subsection (c) of section 1244 of such Code is amended by adding at the end thereof the following new paragraph:

“(4) QUALIFIED MANUFACTURING STOCK.—For purposes of this section, the term ‘qualified manufacturing stock’ means stock in any domestic corporation if, as of the time such stock was acquired by the taxpayer, substantially all of the activities of such corporation involved the manufacture of tangible personal property in the United States. For purposes of this paragraph, the term ‘manufacture’ shall not include importation. Rules similar to the rules of paragraphs (1) and (2) of subsection (d) shall apply to qualified manufacturing stock.”

(c) CLERICAL AMENDMENTS.—

(1) The section heading for section 1244 of such Code is amended by inserting before the period at the end thereof the following: “OR STOCK IN MANUFACTURING COMPANIES”.

(2) The table of sections for part IV of subchapter P of chapter 1 of such Code is amended by inserting before the period at the end of the item relating to section 1244 the following: “or stock in manufacturing companies”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

# SEC. 211. EXEMPTION OF CERTAIN INTEREST AND DIVIDEND INCOME FROM TAX.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by in-

serting after section 115 the following new section:

**"SEC. 116. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS.**

"(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include the sum of the amounts received during the taxable year by an individual as—

"(1) dividends from domestic corporations, or

"(2) interest.

"(b) LIMITATIONS.—

"(1) MAXIMUM AMOUNT.—The aggregate amount excluded under subsection (a) for any taxable year shall not exceed \$2,500 (\$5,000 in the case of a joint return under section 6013).

"(2) CERTAIN DIVIDENDS EXCLUDED.—Subsection (a)(1) shall not apply to any dividend from a corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is a corporation exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations).

"(c) SPECIAL RULES.—For purposes of this section—

"(1) DISTRIBUTIONS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—Subsection (a) shall apply with respect to distributions by—

"(A) regulated investment companies to the extent provided in section 854(c), and

"(B) real estate investment trusts to the extent provided in section 857(c).

"(2) DISTRIBUTIONS BY A TRUST.—For purposes of subsection (a), the amount of dividends and interest properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends and interest were received by the estate or trust.

"(3) CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—In the case of a nonresident alien individual, subsection (a) shall apply only—

"(A) in determining the tax imposed for the taxable year pursuant to section 871(b)(1) and only in respect of dividends and interest which are effectively connected with the conduct of a trade or business within the United States, or

"(B) in determining the tax imposed for the taxable year pursuant to section 877(b)."

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 115 the following new item:

"Sec. 116. Partial exclusion of dividends and interest received by individuals."

(2) The first sentence of paragraph (2) of section 265(a) of such Code is amended by inserting before the period at the end thereof the following: ", or to purchase or carry obligations or shares, or to make deposits, to the extent the interest thereon is excludable from gross income under section 116".

(3) Subsection (c) of section 584 of such Code is amended by adding at the end thereof the following new sentence:

"The proportionate share of each participant in the amount of dividends or interest received by the common trust fund and to which section 116 applies shall be considered for purposes of such section as having been received by such participant."

(4) Subsection (a) of section 643(a) of such Code is amended by inserting after paragraph (6) the following new paragraph:

"(7) DIVIDENDS OR INTEREST.—There shall be included the amount of any dividends or interest excluded from gross income pursuant to section 116."

(5) Section 854 of such Code is amended by adding at the end thereof the following new subsection:

"(c) TREATMENT UNDER SECTION 116.—

"(1) IN GENERAL.—For purposes of section 116, in the case of any dividend (other than a dividend described in subsection (a)) received from a regulated investment company which meets the requirements of section 852 for the taxable year in which it paid the dividend—

"(A) the entire amount of such dividend shall be treated as a dividend if the aggregate dividends and interest received by such company during the taxable year equal or exceed 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, a portion of such dividend shall be treated as a dividend (and a portion of such dividend shall be treated as interest) based on the portion of the company's gross income which consists of aggregate dividends or aggregate interest, as the case may be.

For purposes of the preceding sentence, gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year as does not exceed aggregate interest received for the taxable year.

"(2) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a regulated investment company which may be taken into account as a dividend for purposes of the exclusion under section 116 shall not exceed the amount so designated by the company in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'gross income' does not include gain from the sale or other disposition of stock or securities.

"(B) The term 'aggregate dividends received' includes only dividends received from domestic corporations other than dividends described in section 116(b)(2). In determining the amount of any dividend for purposes of this subparagraph, the rules provided in section 116(c)(1) (relating to certain distributions) shall apply."

(6) Subsection (c) of section 857 of such Code is amended to read as follows:

"(c) LIMITATIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

"(1) IN GENERAL.—For purposes of section 116 (relating to an exclusion for dividends and interest received by individuals) and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

"(2) TREATMENT AS INTEREST.—In the case of a dividend (other than a capital gain dividend, as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part for the taxable year in which it paid the dividend—

"(A) such dividend shall be treated as interest if the aggregate interest received by the real estate investment trust for the taxable year equals or exceeds 75 percent of its gross income, or

"(B) if subparagraph (A) does not apply, the portion of such dividend which bears the

same ratio to the amount of such dividend as the aggregate interest received bears to gross income shall be treated as interest.

"(3) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of paragraph (2)—

"(A) gross income does not include the net capital gain,

"(B) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received by the taxable year, and

"(C) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b).

"(4) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as interest for purposes of the exclusion under section 116 shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after the date of the enactment of this Act.

**SEC. 212. ORDINARY-LOSS TREATMENT FOR LOSSES ON INVESTMENTS IN START-UP COMPANIES.**

(a) IN GENERAL.—Subparagraph (A) of section 1244(c)(1) of the Internal Revenue Code of 1986 (defining section 1244 stock) is amended by inserting before the comma at the end the following: "or was a qualified startup company".

(b) QUALIFIED STARTUP COMPANY.—Subsection (c) of section 1244 of such Code is amended by adding at the end the following new paragraph:

"(4) QUALIFIED STARTUP COMPANY.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualified startup company' means any domestic corporation if—

"(i) as of the time of the issuance of the stock involved, substantially all of the activities of the corporation involved the manufacture of tangible personal property in the United States,

"(ii) as of the time of the issuance of the stock involved, no substantial part of the business activities of the corporation involved a business acquired from another person, and

"(iii) the corporation had not been in existence for more than 1 taxable year as of the time of the issuance of the stock involved.

"(B) IMPORTATION EXCLUDED.—For purposes of subparagraph (A), the term 'manufacture' does not include importation."

(c) CONFORMING AMENDMENT.—The last sentence of section 1244(d)(2) of such Code is amended by striking "paragraphs (1)(C) and (3)(A)" and inserting "paragraphs (1)(C), (3)(A), and (4)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock issued after the date of the enactment of this Act.

**TITLE III—ANTITRUST**

**SEC. 301. FINDINGS.**

The Congress finds that—

(1) the globalization of the economy makes antitrust law much less relevant today, and even counterproductive, than when it was developed;

(2) rapid technological change makes the creation of monopolies unlikely as the pace of product and process innovation accelerates;

(3) cooperative efforts in today's world are predominantly pro-competitive rather than anticompetitive; and

(4) changing the United States antitrust laws to mirror the realities of the way in which other countries enforce anticompetitive statutes would make United States industries more competitive internationally.

#### SEC. 302. MERGER ANALYSIS.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended—

(1) in the first paragraph by striking "the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly" and inserting in lieu thereof "there is a significant probability that such acquisition will substantially increase the ability to exercise market power";

(2) in the second paragraph—

(A) by striking "the effect of" and inserting in lieu thereof "there is a significant probability that"; and

(B) by striking "may be substantially to lessen competition, or to tend to create a monopoly" and inserting in lieu thereof "will substantially increase the ability to exercise market power";

(3) in the third paragraph—

(A) by striking "the substantial lessening of competition" in the first sentence and inserting in lieu thereof "a substantial increase in the ability to exercise market power"; and

(B) by striking "lessen competition" in the second sentence and inserting in lieu thereof "increase the ability to exercise market power"; and

(4) by inserting after the third paragraph the following new paragraph:

"For purposes of this section, the ability to exercise market power is defined as the ability of one or more firms profitably to maintain prices above competitive levels for a significant period of time. In determining whether there is a significant probability that any acquisition will substantially increase the ability to exercise market power, the court shall duly consider all economic factors relevant to the effect of the acquisition in the affected markets, including (i) the number and size distribution of firms and the effect of the acquisition thereon; (ii) ease or difficulty of entry by foreign or domestic firms; (iii) the ability of smaller firms in the market to increase production in response to an attempt to exercise market power; (iv) the nature of the product and terms of sale; (v) conduct of firms in the market; (vi) efficiencies deriving from the acquisition; and (vii) any other evidence indicating whether the acquisition will or will not substantially increase the ability, unilaterally or collectively, to exercise market power."

#### SEC. 303. COOPERATIVE PRODUCTION.

The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended—

(1) in section 1, by striking "National Cooperative Research Act of 1984" and inserting in lieu thereof "National Cooperative Research, Development, and Production Act";

(2) by striking "joint research and development venture" each place it appears and inserting in lieu thereof "joint research, development, or production venture";

(3) in section 2(a)(6)—

(A) by striking "or" in subparagraph (D);

(B) by striking subparagraph (E) and inserting in lieu thereof the following:

"(E) the production of any product, process, or service, or

"(F) any combination of the purposes specified in subparagraphs (A), (B), (C), (D), and (E)."; and

(C) by inserting "development, or production," after "the conducting of research,";

(4) in section 2(b)(1), by striking "conduct the research and development that is" and inserting in lieu thereof "carry out";

(5) by striking sections 2(b)(2) and 2(b)(3) and inserting in lieu thereof the following:

"(2) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the marketing by such venture or by any person who is a party to such venture of any product, process, or service developed through or produced by such venture, other than—

"(A) the marketing by such venture of any product, process, or service to any person who is a party to such venture; or

"(B) the marketing of proprietary information, such as patents, rights in mask works protected under title 17 of the United States Code, know-how, and trade secrets; and

"(3) entering into any agreement or engaging in any other conduct—

"(A) to restrict or require the sale, licensing, or sharing by any person who is a party to such venture of inventions, developments, products, processes, or services not developed through or produced by such venture; or

"(B) to restrict or require participation by such a party in other unilateral or joint research, development, or production activities,

that is not reasonably required to prevent misappropriation of proprietary information contributed by any person who is a party to such venture or of the results of such venture.";

(6) in section 3, by striking "research and development markets" and inserting in lieu thereof "research, development, product, process, or service markets";

(7) in the heading to section 6, by striking "JOINT RESEARCH AND DEVELOPMENT VENTURE" and inserting in lieu thereof "JOINT RESEARCH, DEVELOPMENT, OR PRODUCTION VENTURE"; and

(8) in section 6(a) by inserting "(or, with respect to a venture involving the production of any product, process, or service, not later than 90 days after the effective date of the Fundamental Competitiveness Act of 1992)" after "enactment of this Act".

### TITLE IV—BUSINESS LIABILITY

#### Subtitle A—Findings

##### SEC. 401. FINDINGS.

The Congress finds that—

(1) the increasing amount of litigation in our society causes the wasteful use of time, money, and energy which could be better allocated to research, development, production, economic growth, and competitiveness;

(2) the multitude of professional and product liability suits has undermined the incentive and ability of businesses to bring new products to the market and has led professionals to be overly cautious in providing services to the community;

(3) the excessive number of law suits and the plethora of legal standards in the areas of professional and product liability for each State has led to exorbitant compliance costs for manufacturers and service providers;

(4) encouraging alternative dispute mechanisms to resolve both professional and product liability suits would reduce inordinate litigation cost and free capital for more productive enterprises; and

(5) providing uniform legal standards for both professional and product liability would eliminate costly litigation, promote professional and product innovation, reduce regulatory compliance costs, and make the United States more competitive internationally.

#### Subtitle B—Professionals' Liability Reform

##### SEC. 411. SHORT TITLE.

This subtitle may be cited as "Professionals' Liability Reform Act of 1992".

##### SEC. 412. PURPOSE.

The purpose of this subtitle is to establish uniform standards of liability for professionals who provide professional service—

(1) to promote greater uniformity and predictability with respect to liability arising out of such services;

(2) to facilitate the provision of such services through interstate commerce;

(3) to foster innovation by reducing the uncertainty of risk to professionals who provide professional services; and

(4) to encourage the States to support alternative methods for resolving professional liability disputes in order to reduce the costs of such disputes to professionals and their clients.

##### SEC. 413. SCOPE AND PREEMPTION.

(a) IN GENERAL.—(1) This subtitle governs any professional liability action brought in any Federal or State court against a professional.

(2) This subtitle shall preempt and supersede any State law to the extent that such law is inconsistent with this subtitle. This subtitle shall not preempt or supersede any State law that provides to professionals limitations of liability or defenses which are additional to limitations or defenses contained in this subtitle.

(b) HARM REQUIRED.—A claimant is not entitled to recover damages in a professional liability action except for damages which constitute harm as defined in section 416(4).

(c) CONSTRUCTION OF PROVISIONS.—Nothing in this subtitle shall be construed—

(1) to waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) to waive or affect any defense of sovereign immunity asserted by the United States;

(3) to affect the applicability of the Foreign Services Immunities Act of 1976 (28 U.S.C. 1602 et seq.);

(4) to preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) to affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(d) ALTERNATIVE PROCEDURES, STANDARDS, AND SYSTEMS.—Nothing in this subtitle shall prohibit States from developing or implementing alternative procedures, standards, or systems, which are not inconsistent with this subtitle, for—

(1) expediting the adjudication of professional liability claims,

(2) resolving professional liability disputes, and

(3) compensating harm caused by professional services.

(e) LIMITATION OF ACTIONS.—No professional liability action shall be maintained unless commenced within 3 years after the claimant discovered, or in the exercise of reasonable diligence should have discovered, that such claimant had suffered harm from professional services.

##### SEC. 414. DESCRIPTION OF PROFESSIONAL LIABILITY STANDARDS.

(a) LIABILITY IN GENERAL.—A professional shall not be liable for damages in any professional liability action unless the claimant establishes in addition to any other necessary elements of proof required by law—

(1) except as provided in subsection (b), that such professional negligently rendered professional services and such negligence was the proximate cause of harm to the claimant; or

(2) in the case of a claim for economic injury, that such professional negligently rendered professional services to or for the direct and intended benefit of the claimant, and such services were the proximate cause of the harm to the claimant.

(b) EXISTENCE OF CERTAIN SCIENTIFIC, MEDICAL, LEGAL, OR TECHNICAL INFORMATION.—A professional shall not be liable in a professional liability action for harm caused by professional services rendered by such professional unless the claimant establishes that, at the time such services were rendered, knowledge of the circumstances that caused the harm and a practical means to eliminate such circumstances were reasonably available in light of scientific, medical, legal, or technical information existing at the time the professional services were rendered.

(c) ADDITIONAL LIMITATIONS ON LIABILITY.—(1) A professional shall not be liable in a professional liability action in which—

(A) the professional's services were rendered to an agency of the Federal Government or of any State;

(B) the Federal Government or the State established or approved reasonably precise contract specifications material to the claim made against the professional; and

(C) the services rendered by the professional conformed to such specifications in all respects material to the claim.

(2) A determination by an agency of the Federal Government or the State that the services rendered by the professional are in compliance with contract specifications shall serve as conclusive evidence of such conformity.

(d) PERIODIC PAYMENTS.—(1) In any professional liability action in which the award of future damages exceed \$100,000, no person may be required to pay for future loss in a single payment, but such person shall be permitted to make such payments periodically based on a projection of when damages are likely to occur.

(2) The court may require such person to purchase an annuity making such periodic payments, if the court finds a reasonable basis for concluding that the person may not make the periodic payments.

(3) The judgment of the court awarding such periodic payments may not be reopened at any time to contest, amend, or modify the schedule or amount of the payments in the absence of fraud.

(4) This subsection shall not be construed to preclude a settlement providing for a single payment.

(f) COLLATERAL SOURCE BENEFITS.—(1) Any award of damages to a claimant in a professional liability action shall be reduced by any other past or future payment or benefit covered by this subsection which the person has received or for which the person is eligible on account of the harm for which damages are awarded.

(2) As used in this subsection, the term "payment or benefit covered by this subsection" means—

(A) any payment or benefit by or paid, in whole or in part, by any agency or instrumentality of the United States, a State, or local government; and

(B) any payment or benefit by a worker's compensation system, a health insurance program, or income replacement program.

(3) This subsection shall not preempt or supersede any State law which provides that

damage awards may be reduced by payments or benefits other than those covered by this section.

(4) This subsection shall not apply to any payments or benefits received before judgment if the application of this subsection would reduce the amount of income that would otherwise be considered under section 402(a)(17) of the Social Security Act.

(5) The amount by which an award of damages to an individual for an injury shall be reduced under paragraph (1) shall be an amount equal to the difference between—

(A) the total amount of the payments (other than such award) which have been made or which will be made to such individual to compensate such individual for such injury, minus

(B) the amount paid by such individual (or by the spouse or parent of such individual) to secure the payments described in subparagraphs (A) and (B) of paragraph (2).

(g) LIMITATION ON ATTORNEYS' FEES.—(1) Except as provided in paragraph (2), in any professional liability action in which claimant receives settlement proceeds or an award of damages, the amount of payments to such individual's attorney shall not exceed—

(A) 33½ percent of the first \$250,000 recovered,

(B) 25 percent of the next \$250,000 recovered, and

(C) 20 percent of any amount recovered in excess of \$500,000.

(2) In any civil action to which paragraph (1) applies, the court may, after receiving a petition from the attorney representing the individual who receives settlement proceeds or an award of damages, permit such attorney to be paid an amount of fees in excess of the amount specified by such paragraph if the court determines that the petition has adduced evidence justifying such additional fees.

(h) LIABILITY OF CODEFENDANTS.—(1) Except as provided in paragraph (2), in a professional liability action, the trier of fact shall determine, with respect to each person responsible for the harm, the percentage of that person's responsibility for the harm for which the action was brought. If damages are awarded to the claimant in such action, a professional shall be liable, if otherwise liable to the claimant for damages, only for the percentage of the damages which equals the percentage of that professional's responsibility for the harm for which the action was brought.

(2) Paragraph (1) shall not apply with respect to persons engaged in concerted action which proximately caused the harm complained of by the claimant. For purposes of this subsection, the term "concerted action" means the participation in joint conduct by 2 or more persons who consciously and deliberately agreed to jointly participate in such conduct with actual knowledge of the wrongfulness of the conduct.

(i) PUNITIVE DAMAGES.—(1) Punitive damages may, if otherwise permitted by applicable law, be awarded to any claimant who establishes, by clear and convincing evidence, that the harm suffered was the result of conduct—

(A) manifesting a professional's malicious and reckless disregard of those persons who might be harmed as a result of the performance of professional service; and

(B) constituting an extreme departure from accepted standard of conduct.

(2) A failure to exercise reasonable care in choosing among alternative types of services, designs, formulations, instructions, or warnings does not, in and of itself, con-

stitute the conduct described in paragraph (1).

(3) Punitive damages may not be awarded in the absence of a compensatory award.

(4) Punitive damages may not be awarded for the negligent provision of professional services.

(5) In determining whether punitive damages are to be awarded, the trier of fact shall consider—

(A) the likelihood at the relevant time that serious harm would arise from the professional's conduct described in paragraph (1),

(B) the degree of the professional's awareness of that likelihood,

(C) the duration of the conduct and any concealment of it by the professional,

(D) the attitude and action of the professional upon discovery of the conduct and whether the conduct has been terminated, and

(E) whether the harm suffered by the claimant was also the result of the claimant's—

(i) disregard for personal safety;

(ii) failure to provide the professional with all material information or other matters relevant to the rendering of professional services; or

(iii) disregard for the consequences of any action taken by the claimant in reliance on professional services.

(6) At the request of the professional, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(7) If the trier of fact determines that a professional has engaged in conduct described under paragraph (1), the court may award punitive damages. In determining the amount of such damages, the court shall consider—

(A) the factors described in paragraph (4),

(B) the profitability to the professional of the conduct for which punitive damages are to be awarded,

(C) the total effect of other punishment imposed or likely to be imposed upon the professional as a result of the conduct, including punitive damage awards to persons similarly situated to the claimant and the severity of civil or criminal penalties to which the professional has been or may be subjected.

(8)(A) A claimant's actual recovery of punitive damages awarded under paragraph (5) may not exceed 3 times the amount of compensatory damages awarded to such claimant.

(B) Any punitive damages awarded by the court in excess of the amount referred to in subparagraph (A) shall be paid—

(i) to the State in which the case is litigated, if the case is litigated in State court; or

(ii) to the Federal Government, if the case is litigated in Federal court.

(C) Notwithstanding subparagraph (B), the court may award attorneys' fees from such damages to the claimant's attorney as compensation for work attributable to obtaining an award of such damages.

(j) COUNSEL'S LIABILITY FOR FRIVOLOUS SUITS.—If the court finds in any professional liability action that such action was commenced—

(1) without a good faith belief by the attorney representing the claimant that there

was a reasonable basis in law and in fact for recovery of the relief requested, or

(2) by such attorney merely for purposes of achieving a monetary settlement where there was no reasonable prospect for an award of damages,

the attorney shall be liable for costs, fees, and expenses, including attorney fees, reasonably incurred by the defendant.

#### SEC. 415. FORMATION OF RISK MANAGEMENT PROGRAMS.

(a) IN GENERAL.—Each State should encourage professional organizations, whose membership includes professionals who practice within the State, to put into effect risk management programs including peer review of professional office policies and practices, organization, and quality of performance.

(b) RECORDS INADMISSIBLE AS EVIDENCE.—Records of the implementation of and conclusions reached by such risk management programs, including peer review of professional office policies and practices, organization, and quality of performance, shall not be admissible in evidence against any professional who is the subject of such records.

#### SEC. 416. DEFINITIONS.

For purposes of this subtitle—

(1) the term "professional" means—

(A) any person engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

(B) any person, who (i) has completed the courses of specialized intellectual instruction and study describe in clause (iv) of subparagraph (A), and (ii) is performing related work under the supervision of a professional to qualify himself or herself to become a professional as defined in subparagraph (A);

(2) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof;

(3) the term "claimant" means any person—

(A) who has suffered harm from the provision of professional services and who brings a professional liability action, or

(B) who brings such an action on behalf of any person who has suffered harm from the provision of professional services or who brings such an action because a person suffered harm from such services;

(4) the term "harm" means—

(A) illness, bodily injury, or the death of the claimant,

(B) mental anguish of, or emotional harm to, the claimant caused by the claimant's illness or bodily injury,

(C) physical damage to property, or

(D) economic injury; and

(5) the term "professional liability action" means a civil action brought against a professional for personal injury, property damage, or harm suffered by the claimant be-

cause of the provision of professional services.

### Subtitle C—Product Liability Fairness PART I—GENERAL PROVISIONS

#### SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Product Liability Fairness Act".

#### SEC. 422. DEFINITIONS.

As used in this subtitle, the term—

(1) "claimant" means any person who brings a civil action pursuant to this subtitle, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than—

(A) loss or damage caused to a product itself; and

(B) commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before

placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

#### SEC. 423. PREEMPTION.

(a) This subtitle governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this subtitle.

(b) This subtitle supersedes any State law regarding recovery for harm caused by a product only to the extent that this subtitle establishes a rule of law applicable to any such recovery. Any issue arising under this subtitle that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this subtitle act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, the term "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This subtitle shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

#### SEC. 424. JURISDICTION OF FEDERAL COURTS.

The district courts of the United States shall not have jurisdiction over any civil action pursuant to this subtitle, based on section 1331 or 1337 of title 28, United States Code.

#### SEC. 425. EFFECTIVE DATE.

(a) This subtitle shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this subtitle commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this subtitle.

(b) If any provision of this subtitle would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this subtitle within one year after the effective date of this subtitle.

### PART II—OUT OF COURT PROCEDURES

#### SEC. 431. EXPEDITED PRODUCT LIABILITY SETTLEMENTS.

(a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this part.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within sixty days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made pursuant to subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within thirty days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specific dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within thirty days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

#### SEC. 432. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) In lieu of or in addition to making an offer of settlement under section 431 of this part, a claimant or defendant may, within the time permitted for the making of such an offer under section 431 of this part, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursu-

ant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

### PART III—COURT PROCEDURES

#### SEC. 441. CIVIL ACTIONS.

A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this subtitle.

#### SEC. 442. UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY.

(a) Notwithstanding the provisions of section 441 of this part, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant;

(B) the product seller failed to exercise reasonable care with respect to the product; and

(C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product;

(B) the product failed to conform to the warranty; and

(C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this part based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this part except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) Notwithstanding subsection (b), a product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

#### SEC. 443. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this part to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) which caused the claimant's harm where—

(A) such drug or device was subject to pre-market approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations. The provisions of this paragraph shall not apply (i) in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device, or (ii) in any case in which the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to

continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

#### SEC. 444. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) Any civil action subject to this part shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this part shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport pas-

sengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this subtitle to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

#### SEC. 445. UNIFORM STANDARDS FOR OFFSET OF WORKERS' COMPENSATION BENEFITS.

(a) In any civil action subject to this part in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, any damages awarded shall be reduced by the sum of the amount paid as workers' compensation benefits for such harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this part shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) A claimant in a civil action subject to this part who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action was filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action. A copy of such written notice shall be filed with the court and served upon all parties to the action. A claimant's failure to comply with the requirements of this subsection shall suspend the deadlines for filing responsive pleadings and commencing discovery in the civil action, until the claimant complies with the requirements of this subsection.

(c) In any civil action subject to this part in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law.

(d)(1) Except as provided in paragraph (2) of this subsection, unless the manufacturer or

product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller if the harm is one for which a civil action for harm caused by a product may be brought pursuant to this subtitle.

(2) Paragraph (1) of this subsection shall not apply if the employer or the workers' compensation insurer of the employer establishes, and the trier of fact determines, that the claimant's harm was not in any way caused by the fault of the claimant's employer or coemployees. In order to establish this fact an employer or the workers' compensation insurer of the employer may intervene in a civil action filed by an employee at any time after the filing of a complaint. In the event that the civil action is resolved prior to obtaining a verdict by the trier of fact, any resolution of the action by settlement or other means shall afford the employer or the workers' compensation insurer of the employer an opportunity to participate and to assert a right of subrogation, contribution, or implied indemnity if the claimant's harm was not in any way caused by the fault of the claimant's employer or coemployees.

(e)(1) Except as provided in subsection (f), in any civil action subject to this part in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this subtitle shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured. Any action other than such a workers' compensation claim shall be prohibited, except that nothing in this subtitle shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(f) Subsection (e) shall not apply and applicable State law shall control if the employer or the workers' compensation insurer of the employer, in a civil action subject to this part, asserts or attempts to assert, because of subsection (d), a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller.

#### SEC. 446. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES.

(a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages al-

located to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

#### SEC. 447. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) In any civil action subject to this subtitle in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this subtitle in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

#### TITLE V—LONG-TERM INVESTMENT

##### SEC. 501. SHORT TITLE.

This title may be cited as the "Long-Term Investment Promotion Act of 1992".

##### SEC. 502. FINDINGS.

The Congress finds that—

(1) there is an urgent need to extend the time horizons of industry in the United States and there is too much pressure to maximize short-term profits and shareholder value, often at the expense of long-term competitive viability;

(2) a fundamental cause of United States industry's preoccupation with short-term

performance is the Securities and Exchange Commission's requirement for publicly-held corporations to report their financial status on a quarterly basis;

(3) a large and growing share of the capital of United States firms is owned by mutual funds and pension funds, and the managers of these funds are under constant pressure to maximize the current value of their portfolios since this is the principal criteria by which their performance is judged;

(4) because portfolio managers and stockholders evaluate a company's performance on the basis of quarterly financial reports, managers tend to emphasize short-term profits even when it raises possible conflicts with longer term investment;

(5) short-term business horizons can lead to underinvestment in technology development, human resources, total quality, and capital assets;

(6) a preoccupation with short-term business horizons worked before when America dominated the world economy but such an anti-investment and antimodernization approach seems ill-suited to a world characterized by rapid technological change, global competition based on quality and a constant need for bringing innovation into the marketplace;

(7) achievement of continuously improved technology and quality requires long-term investment in research, development, commercialization, and acquisition of new capital equipment; and

(8) in contrast to the short-term preoccupation in the United States, in Japan and Germany firms report their financial results on an annual rather than quarterly basis and this factor contributes to significantly longer time horizons, in some instances spanning many decades, for business decisions.

#### SEC. 503. ELIMINATION OF QUARTERLY REPORTS.

Section 13(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)(2)) is amended by striking "and such quarterly reports (and such copies thereof)".

#### TITLE VI—COMPETITIVENESS RISK ASSESSMENT

##### SEC. 601. FINDINGS.

The Congress finds that—

(1) administrative action is too frequently propelled by a concern with politically visible results, at the expense of less apparent impacts;

(2) traditional regulatory cost-benefit analysis frequently fails to examine the effect of restrictive regulations on overall human welfare in terms of reduced health and safety, reduced consumer choice, substitution effects, and impeded technological advancement;

(3) in promulgating regulations, agencies often fail to examine the risk that their suppositions are erroneous, or to compare the risks of acting on faulty suppositions with the risks of inaction; and

(4) in analyzing new and existing regulations, there is a need for agencies to move beyond traditional cost-benefit analysis to risk-risk analysis which examines the factors described in paragraph (2).

##### SEC. 602. COMPETITIVENESS RISK ASSESSMENT.

No agency shall propose or promulgate a regulation without first analyzing its effects on the health and safety of consumers and workers, both directly and indirectly, including effects due to wage and job losses, price increases, product restrictions, technological delays, and substitution effects. In any such analysis, health and safety effects shall be

expressed both in monetary terms and in terms of lives lost and injuries occurred. Such analysis shall also examine related distributional effects, describing any economic and social groups who will be disproportionately affected.

#### TITLE VII—DEPARTMENT OF MANUFACTURING AND COMMERCE

##### SEC. 701. SHORT TITLE.

This title may be cited as the "Department of Manufacturing and Commerce Act of 1992".

##### SEC. 702. FINDINGS.

The Congress finds that—

(1) a national strategy for maintaining and strengthening the United States industrial base is essential for our Nation's future economic well being;

(2) manufacturing is the force that creates jobs, drives economic growth and innovation in the United States, determines our standard of living, and ensures national security;

(3) faced with growing competition in the world marketplace, the United States preeminence in manufacturing is being threatened;

(4) the deployment of advanced manufacturing technologies is critical to United States competitiveness;

(5) technical training and education will be increasingly important for the manufacturing workforce of the future;

(6) manufacturers have not been given adequate opportunities to make use of Federal research, development, and educational resources;

(7) the consolidation of the Federal agencies and offices that directly support our manufacturing base should be examined so that our industrial sector might better utilize the resources of the Federal Government; and

(8) renaming the Department of Commerce will help redirect our policies and priorities towards manufacturing and foster the type of partnership between Government and industry that is necessary to keep United States manufacturers competitive in today's world marketplace.

##### SEC. 703. DEPARTMENT OF MANUFACTURING AND COMMERCE.

The Department of Commerce is hereby renamed as the Department of Manufacturing and Commerce, and all references in Federal law or regulation to the Department of Commerce or the Secretary of Commerce shall be deemed to be references to the Department of Manufacturing and Commerce or the Secretary of Manufacturing and Commerce, as appropriate.

##### SEC. 704. MANUFACTURING ADVISORY COMMISSION.

(a) **ESTABLISHMENT.**—The President shall establish a Manufacturing Advisory Commission (in this title referred to as the "Commission") to examine Federal agencies, programs, and offices responsible for manufacturing-related research and development, technology transfer, education, and trade for the purpose of preparing the report required under subsection (b).

(b) **REPORT ON CONSOLIDATION.**—Within 1 year after the date of enactment of this Act, the Commission shall prepare and submit to the Congress a report on the feasibility of consolidating the Federal agencies, programs, and offices described in subsection (a) into a single Office of Manufacturing within the Department of Manufacturing and Commerce.

(c) **MEMBERSHIP.**—The President shall appoint to the Commission a representative selection of members from the various indus-

trial sectors and appropriate Government agencies.

#### TITLE VIII—AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980

##### SEC. 801. AMENDMENT TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 12(a) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)) is amended by striking "may permit" and inserting in lieu thereof "shall permit, under authority of this or any other appropriate Act."

##### SEC. 802. COPYRIGHT FOR SOFTWARE.

(a) Section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by adding at the end the following new subsection:

"(h) **COPYRIGHT OF COMPUTER SOFTWARE.**—Each Federal agency may secure copyright on behalf of the United States as author or proprietor in any computer software prepared in whole or in part by employees of the United States Government in the course of work under a cooperative research and development agreement entered into under the authority of subsection (a)(1) of this section, or under any other equivalent authority, notwithstanding the limitations contained in section 105 of title 17, United States Code; and may grant or agree to grant in advance to a collaborating party, licenses or assignments for such copyrights, or options thereto, retaining a nonexclusive, nontransferable, irrevocable, paid-up license to reproduce, adapt, translate, distribute, and publicly perform or display the computer software throughout the world by or on behalf of the Government and such other rights as the Federal agency deems appropriate."

(b) Section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraph:

"(14) 'Computer software' means a computer program, as defined in section 101 of title 17, United States Code, and any associated documentation, supporting materials, or user instructions."

##### SEC. 803. ROYALTY PAYMENTS TO AUTHORS.

SEC. 3. (a) Section 14(a) (1)(A), (2), and (3) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c(a) (1)(A), (2), and (3)) is amended—

(1) by inserting "or computer software" after "inventions" each place it appears;

(2) by inserting "or computer software" after "invention" each place it appears;

(3) by inserting "or author" after "inventor" each place it appears;

(4) by inserting "or co-author" after "co-inventor" each place it appears;

(5) by inserting "or authors" after "inventors" each place it appears;

(6) by inserting "or co-authors" after "co-inventors" each place it appears; and

(7) by inserting "or author's" after "inventor's" each place it appears.

(b) Section 14(a)(1)(B) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)) is amended—

(1) by inserting "or computer software" after "income from any invention";

(2) by inserting "or computer software was developed" after "the invention occurred";

(3) by inserting "or computer software" after "licensing of inventions" in clause (i);

(4) by inserting "or computer software which was developed" after "with respect to inventions" in clause (i); and

(5) by inserting "or computer software" after "organizations for invention" in clause (i).

(c) Section 14(c) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended by inserting "or author" after "including inventor".

##### SEC. 804. TECHNICAL AND CONFORMING AMENDMENTS.

Section 12(c) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)), is amended by inserting "or computer software" after "inventions" each place it appears.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VALENTINE. Mr. Chairman, I reserve a point of order against the amendment.

Mr. WALKER. Mr. Chairman, this is the amendment that the Rules Committee refused to grant a waiver for, but which is in order to be offered, and therefore I have offered it. And I would hope that the committee, instead of going ahead with the point of order, would allow this to be debated on the floor. Obviously at this point no other committee is objecting to it. That is what I heard the principal objection to it was, that some other committees would have objection to this. I do not see any other committee raising objections, and so, therefore, it seems to me that our committee ought to proceed ahead. Here is a chance to address real competitiveness issues.

As we proceeded with this bill in our committee, we heard numerous witnesses come forward before the committee telling us what was wrong with competitiveness in this country. Competitiveness, as they said, was based upon the fact that there is not debt reduction in this country, that too much of our savings is being eaten up by the national debt. We were told that product liability and a number of the liability concerns that the country faces are indeed at the root of our competitiveness problems, that liability costs we pay make us uncompetitive in world markets. We were told, for instance, that tax treatment plays a major role here, that the lack of security about the investment tax credit does not give businesses the willingness to invest in the future, and that the R&D tax credit has not been made permanent, the research and development tax credit and so, therefore, they are not willing to proceed with research because they are not certain the tax credit will be there. There were all kinds of fundamental problems.

We, in fact, address all of these fundamental problems in the material which is in this amendment. And I would hope that the House may be prepared to do this.

For example, one of the things that we did is a fairly revolutionary idea. It was discussed earlier today as we dis-

cussed the rule, but it has not been discussed very completely, and I want to go into it in a little bit more detail during my remarks.

□ 1740

That is the idea of debt buydown.

One of the things that ought to be done is Congress ought to be put in a position of doing something about both debt and deficit in the country.

One of the provisions in this amendment suggests that what we could do is allow the American people to become involved in the process. The American people, on their tax form, would be allowed to designate up to 10 percent of their tax liability, in other words, the money they are already paying in taxes, to go into a trust fund that would be used for one goal, or one purpose, and that is to buy down the permanent national debt. That money, in turn, would have to be reduced in spending.

It could be done in two ways. Either Congress could designate where the spending cuts should take place, or it would be cut in across-the-board sequester of all Federal programs with the exception of debt service and Social Security. Social Security is not included in it. That would have forced real spending cuts to take place.

What you get in the debt buydown is you get the debt being reduced and the deficit being reduced at the same time.

The Congressional Budget Office has taken a look at this, and what we asked them to do is to say what would happen if this worked optimally. Suppose everybody did this, what would be the outcome of it? If everybody participated, the fact is the debt and deficit would both go down. Debt would go down over 12 years by about two-thirds. Deficits would go down in a way to balance the budget in a 5-year period. That is what we have been saying we want to do, and this simply involves the American people in that process.

Now, I heard it talked about today out here that this is some kind of a gimmick. Well, if it is, it is a gimmick with real teeth. In fact, I would say it is a gimmick with fangs, because it has a real enforcement mechanism in it. The real enforcement mechanism is the American people would be involved. Congress would actually have to stand up against the American people and say, "No, we are not going to cut the spending you have designated," should this be put in place.

It seems to me that that is worth doing. The American people then, if they did not like the kinds of cuts that took place in a given year, the next year do not have to designate anything for debt reduction. It is voluntary on their part. It is not mandatory, and so if they did not like the number of cuts that took place as a result of their debt reduction the year before, they simply would not designate in the next year.

But meantime the Congress would have an obligation to cut at least as much as the American people were willing to have us cut.

It seems to me that helps us in two ways: No. 1, it gives us the moral authority to act, and when all the various special-interest groups come to us with pleadings and say to us, "Oh, you cannot cut my program," we can say, "The American people have instructed us, and if we do not make prioritized cuts, we are going to have across-the-board cuts, and your programs will get cut anyway." It gives us an opportunity to have a real say in the process and a say in the way that assures the debt and deficit really do come down.

Beyond that, it also assures us that the Congress has some idea of what the American people really want.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, beyond that, you also have the ability of the Congress then to discern what the American people really want in spending cuts. When we begin to get letters in our office saying, "You have not cut enough," what we can say is, "Were you a part in reducing the national debt? Did you participate in buying down debt so we could, in fact, get spending cuts?" We then have the ability to tell the American people that, "Unless you get involved, this is not going to happen."

That has been the problem. There has been a disconnect here. You have the American people saying on one hand, "I want the deficit cut, but I do not want my programs cut." Now, we would have the opportunity to have the American people lined up in saying, "Yes; I prioritize cutting debt, and I understand that in prioritization we are also going to have to reduce spending, and I am willing to take those spending cuts," and Congress, at that point, can use as a part of its courage in doing the job saying, "OK, American people, we are giving you the spending cuts, they can, in fact, refuse in the future to have those spending cuts simply by refusing to designate the amount of money for debt buydown. It is, in fact, an approach that will work. It is, in fact, an approach with real enforcement mechanisms.

I understand that there are many liberals in this body who do not like this idea, because that is what they are worried about. Here all of a sudden is a way of really reducing spending. They have refused to do anything about the balanced budget amendment. They have refused to do anything about line-item veto. Every time we come up with some plan to really put teeth in the process of doing something about spending, they are always against it.

They are always against it. They are against this, too, despite the fact that it is the American people's initiative that they would have to oppose.

I am disappointed by that, but I think that more and more we are understanding that the American people favor this idea.

As you vote against this amendment or strike it down on the point of order, understand that you are striking down an amendment that has the support of 70 percent of the American people, and just about that same number would participate in debt buydown if, in fact, you did it. That is a figure that has been derived now from national polling.

I hope the amendment will go forward and we could have a real debate over this kind of an issue that would really enhance competitiveness.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina [Mr. VALENTINE] insist on his point of order?

Mr. VALENTINE. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman wish to be heard on his point of order?

Mr. VALENTINE. I do wish to be heard, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized on his point of order.

Mr. VALENTINE. Mr. Chairman, the gentleman who just left the well is a very valuable and intelligent Member of this House, and one wonders whether or not he has the blessings of the ranking member on the Committee on Ways and Means and the Committee on the Judiciary and the Committee on Energy and Commerce in his attempt to invade the jurisdiction of those committees.

Mr. Chairman, the amendment offered by the gentleman from Pennsylvania violates a number of provisions of the rules of the House, and he knows that, and particularly, the amendment contains numerous tax provisions.

Under clause 5(b) of rule XXI, it is not in order to offer an amendment carrying a tax measure during the consideration of a bill reported by a committee not having that jurisdiction. The Committee on Science, Space, and Technology, and I might say parenthetically there are some on the committee who wish we did have the jurisdiction and we would like to address some of these problems, but the gentleman knows that we do not.

We reported the bill, H.R. 5231, and we do not have the jurisdiction over tax and tariff matters.

We submit, Mr. Chairman, that the point of order should be sustained. There are others who would like to be heard on this.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. WALKER. I do wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized.

Mr. WALKER. Mr. Chairman, throughout the process, what we have heard from the other side is the fact that they cannot take up this particular amendment because other committees would be involved. No other committee came to the floor tonight to say anything against bringing up this amendment. Only our committee did.

This is an example of the partisanship that has been shown throughout. Our committee went to the Committee on Rules and said to the Committee on Rules that, "We want waivers for our amendment." "Our amendment also is not germane, but give us waivers for it." And they got their waivers. But, no, they would not support waivers for our amendment, because they said other committees would be involved. No other committee came to the floor tonight to suggest that this amendment cannot come up. Only our committee did.

Mr. Chairman, our committee is raising the point of order. Our committee says that we do not have jurisdiction and so, therefore, we cannot take this up. The fact is we could have taken it up right now if no one from our committee would have stood up to make this point of order. The amendment would have gone forward, and we would have had a debate on this issue, because no other committee is out here raising an objection.

The CHAIRMAN. The gentleman will limit his remarks to the point of order.

Mr. VALENTINE. Mr. Chairman, let me say I do not want to see the gentleman blow a gasket.

We have conferred with the gentleman from Illinois [Mr. ROSTENKOWSKI] and he has authorized us to raise a point of order.

Mr. WALKER. Mr. Chairman, did I yield to the gentleman?

The CHAIRMAN. The gentlemen will each address the Chair on their own time. The gentleman from Pennsylvania is recognized to address the point of order and will confine his remarks to the question on the point of order.

Mr. WALKER. Mr. Chairman, my remarks were a preface, and the point of order is, as I understand the gentleman's presentation, his point of order is that this gets into the jurisdiction of other committees. My point in addressing the point of order is that no other committee is raising an objection, so, therefore, the point of order should not be sustained.

The CHAIRMAN. Are there any other Members desiring to be heard on the point of order?

Mr. WOLPE. Mr. Chairman, I rise to express my deep concern about the proposal that has been offered here by the gentleman from Pennsylvania.

I do not know what the Chair's holding will be on the point of order. I do

think there is some explanation or some response that is required to the remarks of the gentleman from Pennsylvania offered in explanation of his amendment.

In my view, the amendment that has been offered by the gentleman represents the kind of irresponsible fiscal policy that has resulted in an explosion of the national debt in the last 12 years.

The CHAIRMAN. The Chair will again remind Members that they should address their remarks to the point of order, not the substance of the amendment.

Mr. WOLPE. Well, let me inquire of the Chair: Will there be an opportunity to respond to the remarks made by the gentleman from Pennsylvania that were not directed at the issue of the point of order initially?

The CHAIRMAN. Each Member should confine his remarks to the question before the committee, which is the point of order lodged by the gentleman from North Carolina.

Mr. WOLPE. Mr. Chairman, at this point I will simply yield back my time.

□ 1750

The CHAIRMAN. Does the gentleman from California [Mr. PACKARD] wish to be recognized on the point of order?

Mr. PACKARD. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Does the gentleman wish to address the question of the point of order raised by the gentleman from North Carolina?

Mr. PACKARD. That is what I will attempt to do.

The CHAIRMAN. The gentleman may proceed.

Mr. PACKARD. Mr. Chairman, we appeared as members of the committee, we appeared before the Committee on Rules seeking exactly what was sought for the committee amendment that has already been addressed; that was to waive the points of order on the very same basis that they sought a waiver of the points of order. And all we are asking for is, in a sense, fairness to present an opportunity for the issues to be debated more fairly and more completely that this amendment be treated just as the amendments were treated by the committee and thus waive the points of order. And I cannot believe that would not be in the cause of fairness and fair treatment that one substitute amendment by the majority side be treated exactly as a substitute amendment by the minority side as it refers to the points of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Mr. WALKER. Mr. Chairman, I wish to be heard additionally on the point of order.

The CHAIRMAN. The gentleman may proceed on the point of order.

Mr. WALKER. I thank the gentleman because my staff tells me I did not

clarify my point in my tirade against what I regard as a very partisan action here. But the point here is that our committee does in fact have jurisdiction in the competitiveness area. Under the rules of the House, we have been granted the competitiveness issues as a part of our jurisdiction. Every item within this particular amendment addresses competitiveness.

So therefore the argument of the gentleman that somehow this is not germane to our jurisdiction or that it involves jurisdiction of other committees ignores the general point that we have control over competitiveness issues, and so therefore the Chair should rule in favor of my amendment which deals with matters within the jurisdiction of our committee.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from North Carolina [Mr. VALENTINE] has made a point of order against the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] on the specific ground it proposes to include a tax measure in a bill reported by a committee—the Committee on Science, Space, and Technology—not having jurisdiction to report tax measures, in violation of clause 5(b) of rule XXI.

The amendment does contain several provisions effecting changes in the Federal income tax by direct amendments to the Internal Revenue Code of 1986. It is, therefore, a tax measure within the meaning of clause 5(b) of rule XXI.

Accordingly, the point of order is sustained.

Mr. WOLPE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my deep concern about the proposal by the gentleman from Pennsylvania [Mr. WALKER]. This proposal itself is so flawed that it does not merit serious comment. However, it represents the kind of irresponsible fiscal policy that has resulted in an explosion of the national debt in the last 12 years. This massive debt undermines America's competitive position in the international marketplace and poses the biggest threat to economic growth and the creation of jobs as we enter the 21st century.

Mr. WALKER's proposal has two major elements: Title I is the income tax checkoff proposed by President Bush in his acceptance speech at the Republican National Convention. This proposal would allow taxpayers to earmark up to 10 percent of their personal income tax to reduction of the national debt. Title II of the Walker proposal contains a series of new tax breaks.

President Bush once labeled the Reagan economic program's promise of tax cuts for the rich, steeply increasing defense spending and a balanced budget voodoo economics. Former Senator Howard Baker said it was a riverboat

gamble. They were both right. We gambled on voodoo economics and lost. The national debt has more than tripled in the last 12 years. The United States has gone from being the world's largest creditor nation to the largest debtor nation. And this has been at a great cost. Millions of high-paying manufacturing jobs have been lost. In the last 4 years, the U.S. economy has suffered the lowest rate of growth since the Great Depression.

The gentleman from Pennsylvania claims that his proposal is the prescription to revive our economy. But, in reality, it is more of the same failed policies that created this economic mess in the first place.

For example, in title II of his proposal, Mr. WALKER is proposing new tax breaks relating to capital gains, the corporate deduction for dividends, and an exclusion from personal income for dividends and interest. These new tax breaks are irresponsible for at least two reasons. First, the Congressional Research Service has estimated that they will cost at least \$100 billion a year. Second, those who are already wealthy would be the primary beneficiaries of these new trickle-down tax cuts.

Title I of the Walker proposal is the same as the income tax checkoff proposal included in President Bush's acceptance speech. It would allow taxpayers to earmark up to 10 percent of their personal income tax to reduction of the national debt. The resulting loss of current-year revenues would be offset by across-the-board cuts in all programs except Social Security, deposit insurance, and interest on the debt. Mr. WALKER claims that this proposal would result in a balanced budget in 5 years.

But to balance the budget by 1997, every single taxpayer would have to participate in the checkoff for the next 5 years. According to the Congressional Budget Office, achieving a balanced budget in 1997 with the checkoff would require a 20-percent across-the-board cut in all Federal programs except for Social Security, deposit insurance, and interest on the debt.

Both Mr. Bush and Mr. WALKER have endorsed this approach to deficit reduction. I assume from their strong support that they would encourage all taxpayers to use the checkoff. I am therefore forced to conclude that Mr. Bush and Mr. WALKER support 20 percent cuts in Medicare, the war on drugs, education and training, Head Start, veterans benefits, the space station, the Pentagon budget, the super collider, environmental protection, and all other nonexempt programs.

If deep across-the-board spending cuts in almost all Federal programs—without regard to merit—is the Bush-Walker answer to soaring Federal deficits, I suggest that they level with the American people and state that directly, rather than hiding behind this checkoff gimmick.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has expired.

Mr. WOLPE. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. DELAY. Mr. Chairman, reserving the right to object, the problem is I wanted 5 minutes and the Committee is about to rise. If the gentleman continues, the Committee is to rise at 6, and I will be cut off.

Mr. VALENTINE. Mr. Chairman, if the gentleman will yield we have other things that some Members are concerned about. I would respectfully ask the gentleman if he would withdraw his request for additional time so I could make a motion.

We are going to get into the next 5 minutes, so then how do we deny the gentleman's request on the other side? And here we go.

However, it is up to the Chair.

The CHAIRMAN. Is there objection to the request for additional time?

Mr. DELAY. Reserving the right to object, Mr. Chairman, the only problem here is this gentleman has taken 5 minutes. I wanted 5 minutes to respond to what the gentleman said and put my views forth. If I allow him to go another 2 minutes, is the gentleman going to—is the Committee going to rise?

Mr. WOLPE. Mr. Chairman, will the gentleman yield under his reservation?

Mr. DELAY. I will be glad to yield to the gentleman from Michigan.

Mr. WOLPE. I would ask—just a moment ago the gentleman from Pennsylvania [Mr. WALKER] took not only 5 minutes but 7 minutes in order to advance his case.

□ 1800

It is I who was responding to the statement that was made. I thought I was simply asking for equal time. I would like just to finish this statement.

Mr. DELAY. Further reserving the right to object, Mr. Chairman, the gentleman was introducing his amendment. The gentleman from Michigan [Mr. WOLPE] was responding to an amendment that has already been ruled out of order. I do not want to cut off the gentleman, but I do not want to cut myself off, either.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] is recognized for 2 additional minutes.

Mr. WOLPE. I will not use the whole time, Mr. Chairman, that has been allocated to me. I thank the gentleman

from withdrawing his reservation of objection.

In closing, I would note that Mr. WALKER claims that his proposal is revenue neutral because the spending cuts in title I will offset the tax cuts in title II. This is a very revealing statement. First, it once again demonstrates Republican priorities by proposing deep cuts in health care, education, environmental protection—and a host of other programs—to finance a new series of tax breaks for the rich. Second, the math just doesn't add up. Mr. WALKER tries to count every dollar in spending cuts twice. There is no way that the deep spending cuts in title I are going to both offset revenues devoted to reduce the national debt and offset his new tax breaks for the rich, as Mr. WALKER claims. This is voodoo economics revisited. As a result, this fiscally irresponsible proposal could easily add \$100 billion to the deficit.

Sensitive to this charge, Mr. WALKER went so far as to state in the Science Committee that, and I quote: "The CBO has certified that our bill is revenue neutral, that it is balanced because of the nature of the spending cuts that are included in our Title I." End of quote.

However, I wrote to CBO to ask them if they had, in fact, certified that this proposal is revenue neutral. In response, CBO indicated that they had not made such a certification. In fact, CBO had never analyzed the impact of the tax cut provisions and stated that they could not estimate the impact of the checkoff because they had no way to determine how many taxpayers would use it. Therefore, Mr. WALKER's claim that this proposal has been certified by CBO as deficit neutral is without foundation.

Mr. Chairman, this is one of the most fiscally irresponsible proposals that I've seen come down the pike since 1981. There is no doubt in my mind that this proposal would only add billions of dollars to the \$2 trillion in debt that has accumulated in the last 12 years by giving a whole host of new tax breaks to the wealthy. I encourage my colleagues to take a close look at this half-baked proposal. It is an excellent example of the irresponsible trickle-down policies that have created our current economic crisis.

Mr. VALENTINE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BENNETT) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5231) to amend the Stevenson-Wylder Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the

Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, had come to no resolution thereon.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3596, CONSUMER REPORTING REFORM ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-867) on the resolution (H. Res. 569) providing for the consideration of the bill (H.R. 3596) to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5754, WATER RESOURCES DEVELOPMENT ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-868) on the resolution (H. Res. 570) providing for the consideration of the bill (H.R. 5754) to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 12, CABLE TELEVISION CONSUMER PROTECTION ACT OF 1992, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-869) on the resolution (H. Res. 571) providing for consideration of the Senate bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3030

Mr. QUILLLEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 3030.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed on Tuesday, September 15, 1992, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1699, as amended, by the yeas and nays; and

H.R. 5534, as amended, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

#### GOVERNMENT SECURITIES REFORM ACT OF 1992

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1699, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the Senate bill, S. 1699, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 124, nays 279, not voting 29, as follows:

[Roll No. 395]  
YEAS—124

Abercrombie	Early	Long
Andrews (NJ)	Eckart	Lowey (NY)
Andrews (TX)	Edwards (TX)	Manton
Anthony	Espy	Markey
Balenger	Fields	Matsui
Bennett	Ford (MI)	McCloskey
Berman	Ford (TN)	McGrath
Bilirakis	Geddeson	McMillen (MD)
Bliley	Gephardt	McNulty
Bonior	Gibbons	Miller (OH)
Borski	Glickman	Mollohan
Boucher	Gradison	Moody
Brewster	Guarini	Moorhead
Brooks	Hall (TX)	Morella
Bruce	Hamilton	Murphy
Bryant	Harris	Oberstar
Callahan	Hastert	Obey
Cardin	Hertel	Oxley
Carr	Hochbrueckner	Pallone
Clement	Horton	Panetta
Coleman (MO)	Houghton	Perkins
Coleman (TX)	Hoyer	Pickle
Collins (IL)	Jacobs	Rahall
Collins (MI)	Jenkins	Reed
Cooper	Jontz	Rinaldo
Coyne	Kennelly	Ritter
Cramer	Kildee	Roe
Darden	Kopetski	Rostenkowski
DeLauro	Kostmayer	Rowland
Dingell	Laughlin	Russo
Dixon	Lehman (CA)	Sarpalius
Donnelly	Levin (MI)	Schaefer
Dorkey (ND)	Levine (CA)	Schroeder
Downey	Lipinski	Schulze
Dwyer	Lloyd	Sharp

Shays  
Skaggs  
Slattery  
Smith (OR)  
Stenholm  
Studds  
Swett

Swift  
Synar  
Tanner  
Tauzin  
Torricelli  
Vander Jagt  
Visclosky

Volkmer  
Waxman  
Wise  
Wolpe  
Wyden

#### NAYS—279

Ackerman	Goss	Neal (NC)
Allard	Grandy	Nichols
Allen	Green	Nowak
Anderson	Gunderson	Nussle
Andrews (ME)	Hall (OH)	Oakar
Annunzio	Hammerschmidt	Olin
Applegate	Hancock	Oliver
Archer	Hansen	Orton
Armey	Hatcher	Owens (NY)
Bacchus	Hayes (IL)	Packard
Baker	Hefley	Parker
Barrett	Hefner	Pastor
Barton	Henry	Patterson
Bateman	Herger	Paxon
Beilenson	Hoagland	Payne (NJ)
Bentley	Hobson	Payne (VA)
Bereuter	Holloway	Pease
Bevill	Hopkins	Pelosi
Bilbray	Horn	Penny
Blackwell	Hubbard	Peterson (FL)
Boehert	Hughes	Peterson (MN)
Boehner	Hunter	Petri
Broomfield	Hutto	Pickett
Browder	Hyde	Porter
Brown	Inhofe	Poshard
Bunning	Ireland	Price
Burton	James	Pursell
Bustamante	Jefferson	Quillen
Byron	Johnson (CT)	Ramstad
Camp	Johnson (SD)	Rangel
Campbell (CA)	Johnson (TX)	Ravenel
Campbell (CO)	Johnston	Ray
Carper	Jones	Regula
Chapman	Kanjorski	Rhodes
Clay	Kaptur	Richardson
Clinger	Kasich	Ridge
Coble	Kennedy	Riggs
Combest	Klecza	Roberts
Condit	Klug	Roemer
Costello	Kolbe	Rogers
Coughlin	Kolter	Rohrabacher
Cox (CA)	Kyl	Ros-Lehtinen
Cox (IL)	LaFalce	Rose
Crane	Lagomarsino	Roth
Cunningham	Lancaster	Roukema
Dannemeyer	Lantos	Roybal
Davis	LaRocco	Sabo
DeFazio	Leach	Sanders
DeLay	Lehman (FL)	Sangmeister
Dellums	Lewis (CA)	Santorum
Derrick	Lewis (FL)	Savage
Dickinson	Lewis (GA)	Sawyer
Dicks	Lightfoot	Saxton
Dooley	Livingston	Schiff
Doolittle	Lowery (CA)	Schumer
Dreier	Luken	Sensenbrenner
Duncan	Machtley	Shaw
Durbin	Marlenee	Shuster
Dymally	Martinez	Sisisky
Edwards (CA)	Mazzoli	Skeen
Emerson	McCandless	Skelton
English	McCollum	Slaughter
Erdreich	McCrery	Smith (FL)
Evans	McCurdy	Smith (IA)
Ewing	McDade	Smith (NJ)
Fawell	McDermott	Smith (TX)
Fazio	McEwen	Snowe
Feighan	McHugh	Solomon
Fish	McMillan (NC)	Spence
Flake	Meyers	Spratt
Foglietta	Mfume	Staggers
Frank (MA)	Michel	Stallings
Franks (CT)	Miller (CA)	Stark
Frost	Miller (WA)	Stearns
Galleghy	Mineta	Stokes
Gallo	Mink	Stump
Gaydos	Moakley	Sundquist
Gekas	Molinari	Tallon
Geren	Montgomery	Taylor (MS)
Gilchrest	Moran	Taylor (NC)
Gillmor	Morrison	Thomas (CA)
Gilman	Mrazek	Thomas (GA)
Gingrich	Myers	Thomas (WY)
Gonzalez	Nagle	Thornton
Goodling	Natcher	Torres
Gordon	Neal (MA)	Trafficant

Unsoeld  
Upton  
Valentine  
Vento  
Vucanovich  
Walker  
Walsh

Washington  
Weldon  
Wheat  
Whitten  
Williams  
Wilson  
Wolf

Wylie  
Yates  
Yatron  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

Coyne  
Cramer  
Cunningham  
Darden  
Davis  
DeFazio  
DeLauro

Jontz  
Kanjorski  
Kaptur  
Kennedy  
Kennelly  
Kildee  
Kleczka

Peterson (FL)  
Petri  
Pickett  
Poshard  
Price  
Rahall  
Rangel

Kyl  
Laughlin  
Lightfoot  
Lipinski  
Livingston  
Lloyd  
Luken

Parker  
Pastor  
Patterson  
Paxon  
Peterson (MN)  
Pickle  
Porter

Shaw  
Shuster  
Sisisky  
Skeltton  
Slattery  
Smith (OR)  
Solomon

## NOT VOTING—29

Alexander  
Aspin  
Atkins  
AuCoin  
Barnard  
Boxer  
Chandler  
Conyers  
de la Garza  
Dornan (CA)

Edwards (OK)  
Engel  
Fasell  
Hayes (LA)  
Huckaby  
Lent  
Martin  
Mavroules  
Murtha  
Ortiz

Owens (UT)  
Scheuer  
Serrano  
Sikorski  
Solaz  
Towns  
Traxler  
Waters  
Weber

Dellums  
Derrick  
Dicks  
Dingell  
Dixon  
Donnelly  
Dooley  
Doolittle

Kolter  
Kopetski  
Kostmayer  
LaFalce  
Lagomarsino  
Lancaster  
Lantos  
LaRocco

Reed  
Richardson  
Roe  
Ros-Lehtinen  
Rose  
Rostenkowski  
Roth  
Rowland

Marlenee  
Martin  
McCandless  
McCrery  
McCurdy  
McDade  
McEwen  
McGrath

Quillen  
Ramstad  
Ray  
Regula  
Rhodes  
Ridge  
Riggs  
Rinaldo

Spence  
Stearns  
Stenholm  
Stump  
Sundquist  
Taylor (MS)  
Taylor (NC)  
Thomas (WY)

## □ 1827

Messrs. RAVENEL, NATCHER, KANJORSKI, BLACKWELL, DICKINSON, FAZIO, and GILMAN changed their vote from "yea" to "nay."

Messrs. COLEMAN of Missouri, ANTHONY, and DORGAN of North Dakota changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BENNETT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

## COOPERATIVE AGREEMENT WITH WILLIAM O. DOUGLAS OUTDOOR CLASSROOM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5534, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5534, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 154, not voting 35, as follows:

[Roll No. 396]

## YEAS—243

Abercrombie  
Ackerman  
Anderson  
Andrews (NJ)  
Andrews (TX)  
Annunzio  
Anthony  
Applegate  
Bacchus  
Beilenson  
Bennett  
Bereuter

Berman  
Bevill  
Billbray  
Bilirakis  
Blackwell  
Bliley  
Boehert  
Bonior  
Borski  
Boucher  
Brooks  
Broomfield

Browder  
Bruce  
Bryant  
Bustamante  
Campbell (CO)  
Carper  
Chapman  
Clay  
Coleman (TX)  
Collins (IL)  
Collins (MI)  
Costello

Allard  
Allen  
Andrews (ME)  
Archer  
Armey  
Baker  
Ballenger  
Barrett  
Barton  
Bateman  
Boehner  
Brewster  
Bunning  
Burton  
Byron  
Callahan  
Camp  
Campbell (CA)  
Carr  
Clement  
Clinger  
Coble  
Coleman (MO)  
Combust

## NAYS—154

Condit  
Cooper  
Cox (CA)  
Cox (IL)  
Crane  
Dannemeyer  
DeLay  
Dickinson  
Dreier  
Duncan  
Emerson  
English  
Ewing  
Fawell  
Fields  
Fish  
Franks (CT)  
Gallo  
Gekas  
Geren  
Gingrich  
Goodling  
Gordon  
Gradison

Grandy  
Hall (TX)  
Hamilton  
Hammerschmidt  
Hancock  
Hansen  
Hastert  
Hefley  
Henry  
Herger  
Holloway  
Hopkins  
Horn  
Horton  
Hutto  
Hyde  
Inhofe  
Jacobs  
James  
Johnson (CT)  
Johnson (TX)  
Kasich  
Klug  
Kolbe

## NOT VOTING—35

Alexander  
Aspin  
Atkins  
AuCoin  
Barnard  
Bentley  
Boxer  
Brown  
Cardin  
Chandler  
Conyers  
Coughlin

de la Garza  
Dornan (CA)  
Edwards (OK)  
Engel  
Fasell  
Hayes (LA)  
Huckaby  
Lehman (CA)  
Lent  
Mavroules  
Murtha  
Ortiz

Owens (UT)  
Scheuer  
Serrano  
Sikorski  
Solaz  
Towns  
Traxler  
Waters  
Weber  
Whitten  
Zeliff

## □ 1837

Mr. LUKEN and Mr. SLATTERY changed their vote from "yea" to "nay."

Mr. SHAYS and Mr. GILCHREST changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## REPORT OF ACTIVITIES OF U.S. GOVERNMENT IN UNITED NATIONS DURING CALENDAR YEAR 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

## To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1991, the third year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

GEORGE BUSH.

THE WHITE HOUSE, September 16, 1992.

# REPORT ON ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

*To the Congress of the United States:*

It is with great pleasure that I transmit this report on the Nation's achievements in aeronautics and space during 1991, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Not only do aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government, as reflected in this report, but the results of their ongoing research and development affect the Nation as a whole.

Nineteen hundred and ninety-one was a significant year for U.S. aeronautics and space efforts. It included eight space shuttle missions and six successful launches by the Department of Defense. The shuttle missions included the first such mission to focus on astrophysics and the first dedicated to life sciences research. Other shuttle missions included launch of one satellite to study the unexplored polar regions of the Sun and another to collect astronomical data from gamma ray sources. Still another shuttle mission launched a satellite to study global atmospheric change affecting our own planet. In related areas, the Department of Commerce and other Federal agencies have pursued studies of such problems as ozone depletion and the greenhouse effect. Also here on Earth, many satellites launched in 1991 and earlier provided vital support for the successful prosecution of Operations Desert Shield and Desert Storm to force Iraq to withdraw from Kuwait. And in the aeronautical arena, efforts have ranged from the further development of the National Aero-Space Plane to broad-ranging research and development that will reduce aircraft noise and promote the increased safety of flight.

Thus, 1991 was a successful year for the U.S. aeronautics and space programs. Efforts in both areas have promoted significant advances in the Nation's scientific and technical knowledge that promise to improve the quality of life on Earth by increasing scientific understanding, expanding the economy, improving the environment, and defending freedom.

GEORGE BUSH.

THE WHITE HOUSE, September 16, 1992.

## FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

□ 1840

### LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I am taking this time to receive information on the schedule from the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to take this opportunity to announce the plan and schedule for tomorrow and Friday, and then to talk for just a moment about the pieces that we are going to try to cover.

Tomorrow we hope to be able to come in at 8:30 a.m.

Mr. GINGRICH. Mr. Speaker, the distinguished majority leader might like to repeat that time for the Members.

Mr. GEPHARDT. If the gentleman will continue to yield, in a moment I will ask for unanimous consent that the House meet tomorrow morning at 8:30 a.m. to consider the cable conference: 1 hour for the rule, 1 hour for the conference report.

We will then be asking for permission to leave at noon so that Members can depart for the funeral of the gentleman from North Carolina, Mr. Jones. We will then be asking for leave to come back into session at about 5 o'clock tomorrow afternoon to take up the energy and water appropriations conference report. That should take no more than 2 or 3 hours.

On Friday we will be asking to come in at 10 a.m. to take up the urgent supplemental for the hurricane damage and other problems around the country and to try to complete that at the earliest moment we can on Friday.

To look ahead, Members expect there will not be votes on Monday. There will be activity on the floor, but not votes through the rest of the week next week. I am looking forward to announcing that schedule tomorrow, and obviously looking forward to our hope for adjournment on or before October 4, 1992.

Mr. GINGRICH. Mr. Speaker, sharing the majority leader's optimism and spirit of trying to get done by October 4, which both our colleagues and the country would probably be grateful for,

let me ask two technical questions and then one legislative question.

I would ask the distinguished majority leader, technically, is it his judgment that Members should expect a vote on the Journal, or is that likely to be delayed until later in the day so we can go straight into the debate on the rule?

Mr. GEPHARDT. If the gentleman will continue to yield, we would prefer to avoid a vote on the Journal in the morning and put it later in the day. We would prefer not to have 1-minute addresses tomorrow morning, so that we are sure to get the cable bill done by the time we have to leave.

Mr. GINGRICH. I think on our side of the aisle, because of the unusual circumstance in trying to leave in time for the funeral, we would all try to cooperate over here.

Second, does the gentleman have any sense of what time we might try to adjourn by on Friday in terms of recorded votes?

Mr. GEPHARDT. If the gentleman will yield further, I would think we could be done by 2 o'clock, no later than 3 o'clock, but even earlier than 2 o'clock if there are not a lot of votes on this urgent supplemental.

Mr. GINGRICH. As the gentleman knows, both on the scheduling problems and on the appropriations bill and getting them scored in a way which is fair and effective, we have been trying to work in a very bipartisan way.

I would ask the gentleman, could he say offhand, from what he currently knows, will the supplemental in the form it comes to the floor be a signable bill which would not have amendments in which it might be subject to a veto?

Mr. GEPHARDT. If the gentleman will continue to yield, we are working right now as we speak to work out all the problems so the bill can be signed.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman. I look forward to working with him until October 4.

### HOURLY OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 8:30 a.m. tomorrow.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from Missouri? There was no objection.

### AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses tomorrow, subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

# APPOINTMENT OF CONFEREES ON H.R. 5739, EXPORT-IMPORT BANK CHARTER RENEWAL ACT OF 1992

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5739) to reauthorize the Export-Import Bank of the United States, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WYLIE. Reserving the right to object, Mr. Speaker, and I do not intend to object, I yield to the gentleman from Texas [Mr. GONZALEZ] to explain what we are doing here.

Mr. GONZALEZ. Mr. Speaker, the fact is that the Senate has acted on the bill that the House sent over, H.R. 5739, and we are simply requesting that conferees be named at this time.

Mr. WYLIE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and Senate amendment, and modifications committed to conference: Ms. OAKAR, Messrs. NEAL of North Carolina, LA-FALCE, TORRES, KLECZKA, WYLIE, LEACH and BEREUTER.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 106, 108, and 206 of the House bill, and title II and section 109(a)(7) of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, GEJDENSON, LEVINE of California, FEIGHAN, JOHNSTON of Florida, BROOMFIELD, ROTH, and MILLER of Washington.

As additional conferees from the Committee on Foreign Affairs, for consideration of section 301 of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, GEJDENSON, and BROOMFIELD.

As additional conferees from the Committee on Rules, for consideration of section 301 of the Senate amendment, and modifications committed to conference: Messrs. MOAKLEY, DERRICK, and DREIER of California.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

# NATIONAL POW/MIA RECOGNITION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Commit-

tee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 337) designating September 18, 1992, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of our colleague, the gentleman from New York [Mr. SOLARZ], who is the prime sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 337 designating September 18, 1992, as "National POW/MIA Recognition Day." I would like to commend my distinguished colleague, the gentleman from New York [Mr. SOLARZ], for his tireless efforts to honor those who were held as prisoners of war and resolve the fate of American servicemen missing in action.

For the past year, the POW/MIA issue has again returned to the front pages of our newspapers. Beginning with the dramatic release last summer of a photograph depicting three missing Americans, the growing attention to the issue by the media has set forth a firestorm of publicity throughout the Nation, reawakening the interest of the people.

As we honor our Nation's prisoners of war and missing in action, let us bear in mind that there is a great deal of evidence that the governments of Vietnam, Laos, and Cambodia hold information which could resolve the status of many Americans who are still unaccounted for. Despite the difficulties involved, we are deeply committed to resolving the POW/MIA issue. This issue is a humanitarian matter of such great importance that it is pursued without linkage to other issues separating the Government of the United States and the governments of Indochina.

By supporting Senate Joint Resolution 337, the House will be taking an important step to honor Americans who have served in the Armed Forces, particularly those who never returned home.

Mr. Speaker, as we honor our prisoners of war and missing in action for their supreme sacrifice, let us do all that we can to support our Government's efforts to reunite all Americans with their families and loved ones.

Accordingly, I urge my colleagues to support this resolution.

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Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The clerk read the Senate joint resolution, as follows:

S.J. RES. 337

Whereas the United States has fought in many wars, most recently in unprecedented unity with Allied forces in the Persian Gulf; Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute and continuing hardships;

Whereas, in Public Law 101-355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 18, 1992, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

# SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1993 (Memorial Day), September 18, 1992 (National POW/MIA Recognition Day), and November 11, 1992 (Veteran's Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 18, 1992; as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

- (1) the White House; and
- (2) the buildings containing the primary offices of the—
  - (A) Secretary of State;
  - (B) Secretary of Defense;
  - (C) Secretary of Veterans Affairs; and
  - (D) Director of the Selective Service Commission.

(c) POW/MIA Flag.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of the Public Law 101-355.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NATIONAL RED RIBBON WEEK FOR A DRUG-FREE AMERICA

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 467) designating October 24, 1992, through November 1, 1992, as "National Red Ribbon Week for a Drug-Free America," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. BRYANT). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to commend the gentlewoman from Missouri [Ms. HORN] for her leadership in bringing this measure to the floor.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Joint Resolution 467, designating October 24 through November 1, 1992, as "National Red Ribbon Week for a Drug-Free America," and I want to commend the gentlewoman from Missouri [Ms. HORN] for her leadership in bringing this measure to the floor of the House for consideration.

House Joint Resolution 467 commends the hard work and dedication of concerned parents, youth, law enforcement officers, educators, business leaders, religious leaders, private sector organizations, and government leaders for their efforts to help achieve a drug-free America, and it encourages anti-drug activities to take place during National Red Ribbon Week. The resolution also encourages all Americans to wear or display red ribbons to symbolize their commitment to a healthy, drug-free lifestyle and to develop an attitude of intolerance to the use of drugs.

I can assure my colleagues that this resolution, which I am pleased to have cosponsored, represents an additional effort to raise the public's consciousness as to the dangers of drug abuse and to develop an attitude of intolerance to the use of illicit drugs.

If our Nation is to win the war against drug abuse, then attitudes regarding the use of illicit drugs must be changed and the public must reject

these deadly drugs. House Joint Resolution 467 is an important step in that direction. Accordingly, Mr. Speaker, I urge my colleagues to support this resolution.

Mr. RIDGE. Mr. Speaker, I thank the gentleman for his statement.

Mr. Speaker, I withdraw my reservation of objection.

Ms. HORN. Mr. Speaker, I rise today to bring your attention to a problem of foremost concern to American parents today—the health and safety of their children. At younger and younger ages, kids are being introduced to drugs in schools and neighborhoods across the country. We all know the pervasiveness of the drug problem in this country. We have all observed its growth; we have all witnessed the havoc it has wrought on America's youth and on American society. We need only pick up the morning papers and turn on the evening news casts to be reminded that this problem is still with us.

As a mother of six and grandmother of ten, I have certainly known the fears and worries of other parents and will relive those worries as my grandchildren begin attending school and playing in our neighborhoods. Parents cannot escape the anxiety that their child may fall in with the wrong crowd at school or be caught up with the wrong kids after school. They want some assurance, however small, that their child will successfully navigate the gauntlet of drugs and violence that is so much a part of the world our children face.

That is why I am proud to sponsor, for the second year in a row, H.J. Res. 467, the National Red Ribbon Week for a Drug-Free America. This program is a national awareness and educational group, which was started by the National Federation of Parents and the National Red Ribbon Campaign, based in St. Louis County. The Red Ribbon Campaign is an organization dedicated to a drug-free America. Last year alone the program positively affected 104 million people. This organization is uniquely qualified to provide the direction needed to arrest our Nation's drug problems. This resolution will help them in their efforts.

The Red Ribbon campaign is chaired by President and Mrs. Bush. I would like to take this opportunity to thank them, the 221 Members of this body who cosponsored this resolution and Senator MURKOWSKI for once again introducing this resolution in the Senate.

If we are to cure our Nation of the ills of drugs, then we must work to educate our children about its evils. The Red Ribbon Campaign provides this much needed education to our children, and I am proud to be associated with their worthy cause.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

#### H.J. RES. 467

Whereas substance abuse has reached epidemic proportions and is of major concern to all Americans;

Whereas substance abuse is a major public health threat and is one of the major causes of preventable disease, disability, and death in the United States today;

Whereas illegal drug use is not limited to persons of a particular age, gender, or socioeconomic status;

Whereas the drug problem appears to be insurmountable, but the United States has begun to lay the foundation to combat the use of illegal drugs;

Whereas the United States must continue the important strides made to combat substance abuse;

Whereas it has been demonstrated through public opinion polls that the American people consider drug abuse one of the most serious domestic problems facing the United States and have begun to take steps against it;

Whereas the National Federal of Parents for Drug Free Youth has declared October 24, 1992, through November 1, 1992, as "National Red Ribbon Week", has organized the National Red Ribbon Campaign to coordinate the week's activities, has established the theme, "Neighbors—Drug Free and Proud" for the week, and has called for a comprehensive public awareness, prevention, and education program involving thousands of parent and community groups across the country;

Whereas the National Red Ribbon Campaign is headed by President and Mrs. George Bush and national honorary chairmen;

Whereas any use of an illegal drug is unacceptable and the illegal use of a drug cannot be tolerated; and

Whereas substance abuse destroys lives, spawns crime, undermines our economy, and threatens our security as a Nation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—*

(1) October 24, 1992, through November 1, 1992, is designated as "National Red Ribbon Week for a Drug-Free America";

(1) the President is authorized and directed to issue a proclamation calling on the people of the United States—

(A) to observe the week by holding conferences, meetings and other activities to support community education, and with other appropriate activities, events and educational campaigns; and

(B) both during the week and thereafter, to wear and display red ribbons to present and symbolize commitment to a healthy, drug-free life style, and to develop an attitude of intolerance concerning the use of drugs; and

(3) Congress recognizes and commends the hard work and dedication of concerned parents, youth, law enforcement officials, educators, business leaders, religious leaders, private sector organizations, and Government leaders in combating substance abuse.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BRaille LITERACY WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 353) designating January 4, 1993, through January 10, 1993, as "Braille Literacy Week", and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, we certainly have no objection to this worthy effort. I simply reserve the right to object to acknowledge the work of our colleague from North Carolina [Mr. BALLENGER] who is the chief sponsor of this joint resolution.

Mr. BALLENGER. Mr. Speaker, as the sponsor of Braille Literacy Week, I am delighted to say a few words about this important issue.

Braille is the most effective reading and writing medium available to people who are blind. In these times of ever-increasing public and media focus on our national education system, it is essential that blind children who can benefit from braille instruction have access to highly qualified teachers regardless of type of school in which the child is educated. Only by using braille can blind individuals read and write for themselves. The designation of this week, January 3–10, 1993 will highlight the importance of braille to blind people, but it will also stand as a memorial to Louis Braille born on January 4, 1809.

I would also like to commend five hard working, intelligent, and highly motivated interns who worked solidly for almost 1 year to gather the 218 cosponsors needed to bring this resolution to the House floor. We would not have been successful without this help and I appreciate the contribution made by each intern. I wholeheartedly thank Marty White, Alison Bonner, Sara Kathryn Stowe, Chad Wagner, and Abbey Lyerly for their efforts on behalf of Braille Literacy Week.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

#### H.J. RES. 353

Whereas Braille, the system of dots used by the blind to read and write, is a truly elegant and effective medium of literacy;

Whereas blind and visually impaired individuals must be afforded the opportunity to achieve literacy so that they can compete in employment, succeed in education, and live independent, fruitful lives;

Whereas recording devices, reading machines such as the optacon, and computer-screen access programs have enabled blind individuals to gain access to a wide variety of printed material but cannot replace a medium such as Braille which allows a blind individual to read and write independently;

Whereas the teaching of Braille has been woefully neglected over the past several decades; and

Whereas many States have acted or are acting to ensure that blind and visually impaired school age students are taught Braille if it is judged the appropriate medium to provide such students with the opportunity to achieve literacy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. DESIGNATION AND PRESIDENTIAL PROCLAMATION.

That January 4, 1992, through January 10, 1992, is designated as "Braille Literacy

Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to celebrate the contributions of the inventor of Braille, Louis Braille, who was born on January 4, 1809, and to heighten public awareness of both the importance of Braille literacy among children and adults who are blind and the great need for the production of the wide variety of commonly available print documents in Braille.

#### SEC. 2. STATE AND LOCAL PROCLAMATIONS.

The Governor of each State, the chief executive of the District of Columbia and each territory of the United States, and the chief executive of each political subdivision of each State or territory is urged to issue a proclamation (or other appropriate official statement) calling upon the people of such State, the District of Columbia, or such territory or political subdivision to observe January 4, 1992, through January 10, 1992, in the manner described in section 1.

#### AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER:

Page 2, line 5, strike "January 4, 1992, through January 10, 1992," and insert "the week beginning January 3, 1993."

Page 3, lines 8 through 9, strike "January 4, 1992, through January 10, 1992," and insert "the week beginning January 3, 1993."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

#### TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so to read: "Joint Resolution designating the week beginning January 3, 1993, as 'Braille Literacy Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

#### RELIGIOUS FREEDOM WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 325) to designate the weeks of September 22 through 28, 1991 and September 20 through 26, 1992 each as "Religious Freedom Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from Maryland [Mrs. BENTLEY], the chief sponsor of this joint resolution.

Mrs. BENTLEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding, and I think he has done an outstanding job with these resolutions. I particularly want to thank the gentleman from Ohio [Mr. SAWYER] and the Committee on Post Office and Civil Service for discharging this resolution at this time, and particularly I wish to express my appreciation that we were able to amend it on the floor.

Today, we are seeing the world regress into old ethnic feuds, many fueled by religious animosity. Anti-Semitism is rearing its ugly face in Germany, in France, in some of the newly founded republics in eastern Europe. In the Middle East, Arabs and Jews continue to fight. In some of the former Soviet republics, in former Yugoslavia, religious hatreds are fueling unrest.

But there is also hope. There is a peace conference concerning Yugoslavia. President Bush has been instrumental in getting the Israelis and Arabs to the peace table to work out their differences.

In the first year that I sponsored this resolution, I was asked several times about my religious involvement. Why I would be so interested in having this observance acknowledged by the Congress of the United States? And I had to think about that answer why it was so particularly important that we reaffirm our belief in freedom of religion.

I credit a great deal of my interest in looking backward into our history—as I have been doing over this last few years—with the celebration and the observance of the bicentennial of the Constitution. Like all Americans, I learned all about the Constitution and the Bill of Rights in school. And like many Americans, it was awhile ago. And like most Americans, before I came to Congress, I had no call upon the Constitution in my day-to-day life—though every freedom that I enjoyed, that is true with every American every day—every day, rested on its frame.

Of an inquiring mind—remember I was trained as a reporter—when we began to look forward to the bicentennial, I began to refresh my memory as to the details and the fact. And the most astonishing thing—even though I knew it, but it still astounds me—is that the Bill of Rights was added to the Constitution several years later. And only because the States in the ratification process were unhappy, that individual freedoms were not clearly defined in the Constitution they had to vote on.

And the first amendment guaranteed the freedom of religion. A year before the Bill of Rights was introduced, the new President of the United States, George Washington, had sent a letter to Touro Synagogue, in Newport, RI, asserting "to bigotry no sanction, to persecution no assistance."

These words, "the promise of Touro," must have moved that congregation to exclaim among themselves, "The President says," "Mr. Washington is promising \* \* \*." There would have been a stirring as though a freshening wind of freedom was blowing across the new Nation—bringing hope, not only to Touro Synagogue, but to all Americans that there would be no tyranny of a state religion.

It is difficult for us as Americans today to realize how much President Washington's statement must have meant at that time. Few of our history books after the period of Puritan landings in Massachusetts feature the impact that religious persecutions in Europe had to do with the flood of immigration to this country before 1800, and yet many of our colonies were founded by settlers who came to the New World seeking religious freedom.

Rhode Island was founded by Roger Williams, a separatist from the harsh Puritan regime in Massachusetts. His settlement attracted not only the Touro Congregation, who had followed the route of the Puritans through Holland to America, but Baptists, Quakers, and Catholics were also attracted by Williams' promise of freedom of worship. William Penn, the Quaker, founded Pennsylvania and attracted many religious separatists.

Our own State of Maryland was founded by Catholics, but by the late 1700's Catholics were not allowed to hold public worship services. The cornerstone of St. Ignatius Catholic Church in Bel Air in my district was laid in 1791 at the time the First Congress voted for the Bill of Rights. The church was completed in 1792 after the States had ratified the 10 amendments.

The new Americans, among them our own Marylanders, had suffered persecutions or were the children of those who had, and I identify with them. My own religion, eastern Orthodox, is a minority religion in this country. My ancestors in Serbia suffered persecution at the hands of the Ottomans for hundreds of tragic years, and I grew up hearing these stories from my immigrant parents.

Mr. Speaker, yes, we should reaffirm this belief. We cannot be reminded too often of the promise of Touro, "To bigotry no sanction, to persecution no assistance." It must not be a promise of 200 years; it must be a promise for all time, and not just for the United States, but for the whole world.

Mr. Speaker, again, I wish to express my appreciation to the chairman of the Census Subcommittee from Ohio and the gentleman from Pennsylvania and his committee for discharging this resolution.

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Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to my friend and colleague, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, and take this moment only to thank the gentlewoman from Maryland [Mrs. BENTLEY] for her effort in bringing this important resolution to us, for her thoughtful comments before us today, and for her effort in bringing them to us personally. That is important, and I thank her for them.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I, too, would like to thank the gentlewoman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BRYANT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

#### H.J. RES. 325

Whereas the principle of religious liberty was an essential part of the founding of our Nation, and must be safeguarded with eternal vigilance by all men and women of good will;

Whereas religious liberty has been endangered throughout history by bigotry and indifference;

Whereas the First Amendment to the Constitution of the United States guarantees the inalienable rights of individuals to worship freely or not be religious, as they choose, without interference from governmental or other agencies;

Whereas the Constitution of the United States ensures religious freedom to all of the people of the United States;

Whereas, at Touro Synagogue in 1790, President George Washington issued his famous letter declaring "to bigotry no sanction, to persecution no assistance";

Whereas the Touro Synagogue letter advocating the doctrine of mutual respect and understanding was issued more than a year before the adoption of the Bill of Rights;

Whereas the letter of President Washington to the Touro Synagogue has become a national symbol of the commitment of the United States to religious freedom;

Whereas, throughout our Nation's history, religion has contributed to the welfare of believers and of society generally, and has been a force for maintaining high standards for morality, ethics and justice;

Whereas religion is most free when it is observed voluntarily at private initiative, uncontaminated by Government interference and unconstrained by majority preference; and

Whereas religious liberty can be protected only through the efforts of all persons of good will in a united commitment: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—*

(1) the weeks of September 22 through 28, 1991, and September 20 through 26, 1992, are each hereby declared to be "Religious Freedom Week"; and

(2) the President is authorized and requested to issue a proclamation calling on the people of the United States, including members of all faiths or none, to join together in support of religious tolerance and religious liberty for all, and to observe these weeks with appropriate activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER:

Page 3, lines 4 through 5, strike "weeks of September 22 through 28, 1991, and September 20 through 26, 1992, are each" and insert "week beginning September 20, 1992, is".

Page 3, line 13, strike "these weeks" and insert "the week".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint Resolution designating the week beginning September 20, 1992, as 'Religious Freedom Week'".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

#### COUNTRY MUSIC MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 520) to designate the month of October 1992 as "Country Music Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I certainly do not object. I just want to recognize the effort of our colleague, the gentleman from Tennessee [Mr. CLEMENT], the chief sponsor of this resolution.

Mr. CLEMENT. Mr. Speaker, I am proud to rise in support of the resolution designating October 1992 as country music month.

I would, in particular, like to thank Subcommittee Chairman TOM SAWYER, and ranking Republican, TOM RIDGE, for bringing this resolution to the floor today. And I thank the majority of my colleagues who joined in co-sponsoring the resolution.

As the Representative of "Music City, U.S.A.," I can attest to the importance of country music to the lives of our fellow citizens. Music, as you know, plays an invaluable role. Not only does it celebrate the wide range of human emotions, but it also reflects the changing values of our Nation and her people through its lyrics and musical style itself.

Country music is a blend of several musical styles and, in itself, is unique to America. As the joint resolution says, country music derives its roots from the folk songs of our country's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues.

Country music has accompanied the growth of our Nation and reflects the ethnic and cul-

tural diversity of our people. Its current popularity is due, no doubt, to the fact that country music embodies a spirit of America and the deep and genuine feelings each of us experiences throughout our lives. Country music commemorates working life and strikes a responsive chord deep within the hearts and souls of its fans.

Country music remains rooted in the individual concerns of the common people. As my friend Johnny Cash once wrote "Country music is the one voice that the working man has to express himself to the world." Thus, it is perhaps clear why country music is so popular in these difficult economic times.

Mr. Speaker, October 1992, marks the 28th anniversary celebration of country music. I am honored to be the sponsor of H.J. Res. 520 and, again, I thank my colleagues for their support and Representatives SAWYER and RIDGE for bringing it to the floor.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 520

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history; accompanying the growth of the United States and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies the spirit of America and the deep and genuine feelings individuals experience throughout their lives;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of its fans; and

Whereas the month of October 1992 marks the twenty-eighth annual observance of Country Music Month: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the month of October 1992 be designated as "Country Music Month" and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### FAMILY LEAVE TAX CREDIT ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-389)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

I am pleased to transmit for your immediate consideration and enactment the "Family Leave Tax Credit Act of 1992". This flexible family leave plan will enable 80 percent of the workplaces in the country—the small and mid-sized businesses that often cannot provide family leave—to provide family leave for their employees without costing jobs or stifling economic growth. The proposal will cover 15 million more workers, and 20 times as many workplaces, than the proposals in S. 5.

This legislation will provide a refundable tax credit for up to 20 percent of total compensation, for up to \$100 a week—to a maximum of \$1,200—for businesses that provide their employees with 12 weeks of family leave. An employee would be eligible to take leave under the following circumstances: the birth of a child, the placement of a child with the employee for adoption or foster care, care for a child, parent, or spouse with a serious health condition, or a serious health condition that prevents the employee from performing his or her job.

This is not federally mandated leave. It instead gives employers positive incentives to adopt responsible family leave policies and gives them the flexibility to target the specific needs of their employees. To qualify for the credit, businesses must adopt non-discriminatory policies that provide protections for employees' jobs, benefits, and health insurance.

On May 5, 1992, the Administration transmitted the "Health Benefits for Self Employed Individuals Act of 1992" to the Congress. This proposal was also intended to help improve benefits for small businesses, without deterring economic growth, by expanding the deductibility of health insurance from 25 percent of costs to 100 percent of costs. Packaged with the Family Leave Tax Credit, we are providing a strong impetus for small businesses to develop quality benefits programs.

The Department of the Treasury has estimated the cost of the Family Leave Tax Credit at approximately \$500 million for FY 1993 and \$2.7 billion over 5 years. The combined cost of the Family Leave Tax Credit and the "Health Benefits for the Self Employed" is \$740

million in 1993 and \$7.7 billion over 5 years. These costs must be offset under the Budget Enforcement Act of 1990. In my 1993 Budget, I identified \$68.4 billion of specific mandatory spending reductions. Any of those offsets would be acceptable to the Administration. Additionally, when the self employed tax credit was transmitted to the Congress, over \$9.3 billion of these offsets were specifically suggested to pay for the proposal—substantially more than was required. Those same \$9.3 billion in offsets are sufficient to pay for the costs of both the self employed deduction and the Family Leave Tax Credit under the Budget Enforcement Act of 1990.

I urge the Congress to take prompt action to generate constructive family leave policies that are consistent with economic growth by quickly passing this legislation.

GEORGE BUSH.

THE WHITE HOUSE, September 16, 1992.

#### INTRODUCTION OF BILL PROVIDING A COMPREHENSIVE MANAGED COMPETITION APPROACH TO HEALTH CARE REFORM

(Mr. COOPER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, I would like all of our colleagues in the House who are interested in health care reform—and I know we all are—to be aware of the fact that the gentleman from Texas [Mr. ANDREWS], the gentleman from Texas [Mr. STENHOLM], and myself have introduced this morning H.R. 5936, which is a comprehensive managed competition approach to health care reform.

What is managed competition? Well, surprise, surprise, both President Bush and Governor Clinton are for managed competition as a way to reform our national health system. Both have endorsed it, and yet no bill until today has been introduced in either the House or the Senate embodying these principles.

I encourage all my colleagues to get in touch with our offices so they can get copies of the bill and look it over. This is a very powerful way to cut health care costs and to expand access. It has already been endorsed by the New York Times, by Fortune magazine, by think-tanks, and scholars in such think-tanks as the Brookings Institute, the American Enterprise Institute, and the Progressive Policy Institute.

Mr. Speaker, I encourage all my colleagues to take a very close look at this proposal, H.R. 5936.

I am introducing today, with my colleagues MIKE ANDREWS and CHARLIE STENHOLM and other original cosponsors, the first real managed competition health care reform proposal in Congress. Both Governor Clinton and President Bush have said repeatedly that managed

competition is key to reforming our Nation's health care system, but so far no bill has been offered in Congress to create a complete managed competition system.

The bill, H.R. 5936, restructures America's health care markets so that quality health care will become more affordable and available to all Americans. We think it is the most powerful tool so far developed for cutting health costs and expanding access to health care. We think it is also a sign that the national debate on health care reform has almost matured to the point where congressional action is appropriate.

The bill is in stark contrast to the three other leading reform proposals, all of which rely on more intrusive government regulation: Canadian single-payor, pay-or-play, and price controls.

Managed competition may not be as well-known as other proposals, but it is the hottest new idea for health reform. The New York Times, Fortune, scholars at the Brookings Institution, the Progressive Policy Institute, the American Enterprise Institute, and health policy leaders like California Insurance Commissioner John Garamendi have endorsed variations on this basic approach.

Politically, managed competition may be described either as the Democrats giving markets one last chance, or as a Republican plan—only with brains, teeth, heart, guts, and wallet. It should provide both political parties with the common ground necessary for solving America's health care crisis.

This bill is a pure version of managed competition in the sense that it avoids global budgets or employer mandates. The authors believe that pure managed competition will work best, but that it is theoretically possible to add other features. Extreme care must be taken, however, not to damage the cost-cutting engine as additions are made.

#### WHAT IS MANAGED COMPETITION IN HEALTH CARE?

The bill gives all Americans the same clout to buy health care that only employees of the Fortune 500 now enjoy. Doctors, nurses, hospitals, and insurance companies will join in new, more efficient, and quality-driven networks so that waste is eliminated from the provider community. We are seeking the quality and efficiency of the Mayo Clinic for every provider group.

The bill goes far beyond today's examples of managed care, for example, HMO's, to a system of managed competition among super-HMO's, while preserving maximum consumer choice and individual responsibility.

Managed competition attacks the root problems of our health care crisis:

Cruel, wasteful, and confusing insurance practices;

The third-party payment system;

Fee-for-service reimbursement;

Experience rating and preexisting condition denial by insurance companies;

Waste and inequity in our tax expenditure system for health insurance purchase;

Overuse of expensive medical technology and emergency rooms;

Confusion about who are the best quality medical providers;

Defensive medicine;

Uncompensated care;

Lack of preventive medicine;

Lack of individual responsibility and purchasing power; and

Penalties against small business and the self-employed.

Managed competition turns today's negative health market practices into a positive competition, almost a price war, to see which health providers can offer the best quality care at the cheapest price.

The savings from managed competition, plus a relatively small amount of new revenues, are channeled into expanding access to health care for the poor, and both urban and rural underserved areas. Whereas today Medicaid serves less than half of those under poverty, our bill will serve everyone up to 200 percent of poverty.

This is the single most dramatic expansion of health care to the poor since the Great Society, but using a 1990's mechanism, a mechanism that relies more on markets than on the Government for help.

The bill is one of the least expensive methods of reforming our national health system. The new programs in the bill are fully paid for, and will not add one penny to the deficit. By limiting and redistributing the current tax deduction for health insurance purchase, by redirecting the current Medicaid Program including the disproportionate share payments, and by lifting the Medicare earnings cap above \$130,200, all the programs in the bill may be fully funded. No other taxes are necessary to meet the bill's revenue requirements.

#### ACKNOWLEDGMENTS

The bill was developed over the last year by the Conservative Democratic Forum Task Force on Health Reform, led by me and Representatives MIKE ANDREWS and CHARLIE STENHOLM. The Mainstream Democratic Forum, led by Representative DAVE MCCURDY and Representative DAN GLICKMAN, also helped formulate the proposals, as did the bill's other original cosponsors: Representatives CARPER, CLEMENT, JOHN COX, DOOLEY, HUBBARD, LIPINSKI, TOM McMILLEN, MONTGOMERY, L.F. PAYNE, PETE PETERSON, RAY, and SWETT.

Both groups' work draws heavily from the pioneering efforts of Drs. Alain Enthoven, Paul Ellwood, and Lynn Etheridge of the Jackson Hole Group, and the "Patients First" report of American Healthcare Systems, a not-for-profit hospital chain. Two of my former staffers, Atul Gawande and Anand Raman, deserve great credit for synthesizing the legislation from these sources. Current staffers of my own and the other prime sponsors also deserve great credit for their hard work and capableness: Caroline Chambers, Dave Kendall, Becca Tice, and Colleen Kepner. Finally, the legislative counsel, Ed Grossman, has been of vital assistance in turning our concepts into legislative language.

The idea for the legislation was introduced at a CDF press conference on April 8, 1992.

Two different ways to describe the plan are as follows:

#### THE MANAGED COMPETITION ACT OF 1992

(Proposal of the Conservative Democratic Forum's Task Force on Health Care Reform)

#### HIGHLIGHTS

In order to allow consumers to shop wisely for health plans, the bill uses strong tax incentives to encourage providers and insur-

ance companies to form health partnerships which will be publicly accountable for costs and quality. Large regional purchasing co-operatives will give individuals and small businesses the benefits of greater buying power. A national board will establish a uniform set of effective health benefits. In order to have tax-favored status, health plans will be required to offer those standard benefits, comply with insurance reforms and disclose information on medical outcomes, cost-effectiveness and consumer satisfaction.

**Tax fairness:** Employers will be allowed to deduct basic health plan costs, but not the excess costs of policies which cover more than the basic benefits. Basic policies must require co-payments to make consumers cost-conscious, and must be provided through publicly accountable health plans. All individuals, including the self-employed, will be given a tax benefit for 100% of basic health plan costs.

**Access to coverage:** Individuals and small businesses will be able to afford health coverage by joining Health Plan Purchasing Co-operatives, which will offer group rates with lower administrative costs. Individuals will choose from a menu of health plans, and their employers will choose the dollar amount, if any, they wish to contribute.

**Health plan reform:** Health plans will not be allowed to exclude coverage of preexisting conditions and will not be allowed to use "experience rating" to charge higher rates for individuals who have a history of higher medical expenses.

**Access for low-income individuals:** A new federal program will pay health plan premiums for all people below 100% of the poverty level. Individuals and families between 100% and 200% of the poverty level will receive a federal subsidy for the purchase of a health plan. The federal program will also make most copayments for those below 200% of poverty. States will no longer have to finance Medicaid, and will gradually assume responsibility for long-term (e.g. nursing home) care for the poor.

**Preventive health will be key to the success of the new health partnerships.** In addition, the bill significantly increases funding for early intervention, immunization and screening programs.

**Malpractice reform will reduce the costs of expensive litigation and the cost of defensive medicine.**

**Paperwork reduction:** Health plans will develop standards for claims forms and electronic transmission of data in accordance with federal goals.

**Basic access:** To assist rural and other underserved areas, funding for Community and Migrant Health Centers and National Health Service Corps will be substantially increased.

#### THE EMPLOYEE'S VIEW OF MANAGED COMPETITION

1. Once a year, your boss gives you a menu of basic health plans.

Each plan provides for the full range of clinically-effective treatments found to improve your health, plus preventive medicine.

Each plan has to accept you, if you want to join.

Each plan charges the lowest possible group rates, even if you work for a small business, or have a history of illness.

Each plan is easy to compare with the others that are competing for your business, based on price, quality, and consumer satisfaction.

There is no separate insurance to worry about; it is part of your health plan.

You can deduct 100% of the cost of the lowest-priced plan on the menu; your boss is not required to pay for your health care.

If you want more expensive coverage than the low-cost plan in your area, or non-basic medical services, you or your boss must pay for the difference yourself.

2. Your health plan will stress preventive medicine and safety.

They know they are responsible for you all year long.

They will make more money if they can keep you healthy.

3. If you get sick or injured, you will call a family doctor who works for the plan you chose so that he or she can diagnose your problem.

The doctor is paid for the quality of his work, not how many tests he runs on you.

The doctor wants to keep you happy because he values your business.

If you need a specialist, out-patient care, or hospitalization, you are referred to the provider who can do the best job.

All your bills are paid, except for the same deductible and copayment that everyone else in America pays.

There is minimum paperwork to fill out.

Doctors are carefully screened and monitored so that you always get top-quality care.

4. If you don't like the care you are receiving from the plan you chose, you can see other doctors even before the next "open season."

Your own plan will probably provide outside options for dissatisfied patients.

You can buy any health care you choose with your own money.

5. You have no fear of losing health coverage or having your rates raised if you switch jobs, get sick, get older, work in a dangerous job, use your insurance, etc.

#### TRIBUTE TO LENA LANDEGGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. CALLAHAN] is recognized for 5 minutes.

Mr. CALLAHAN. Mr. Speaker, earlier this summer, south Alabama, and indeed America, lost a pioneer in the trust sense of the word.

A lady who exemplified the very essence of what the American Dream is all about.

She was a Russian immigrant, Lena Landegger, born in the city of Moscow, who along with her parents, fled during the Revolution when the First World War began. At the time, they sought refuge in Vienna.

Years later, when World War II erupted, she and her new husband, Karl, fled Austria to the shores of America in search of peace, freedom, and the opportunities that only our dream, the American Dream, provides.

Mrs. Landegger was truly a lady of great stature and broad vision. It was under her direction that Monroe County, one of the seven counties I have the pleasure of representing here in Washington, became acquainted with her impeccable record as a successful businesswoman and a leading philanthropist whose charity knew no bounds.

Today, Alabama River Pulp, Alabama River Woodlands, and Alabama

Newsprint make up part of the larger Parson's & Whittemore holdings, which stand as one of the largest in the pulp and paper world. Mrs. Landegger, along with the help of her two sons, George and Carl, helped make this dream a reality, and in so doing, have provided a dream come true to hundreds of south Alabamians who now work for one of our finest corporate citizens.

Mr. Speaker, I had the distinct privilege of knowing Mrs. Landegger, and I can honestly say her's was a life that was exemplary in every facet. She was truly remarkable, so much so that in preparing these remarks, I was moved to share with you and my colleagues a tribute to Mrs. Landegger from a man who knew her better than almost anyone else, her son George.

George Landegger's homage to his mother, given as a eulogy on July 29, 1992, is a fitting salute to a lady who has touched the lives of so many through her works, her deeds, and her life. Mr. Speaker, I am including the following memorial in the CONGRESSIONAL RECORD as a permanent and lasting tribute to the memory of a truly great lady, Mrs. Lena Landegger, and following the eulogy, a copy of a 1987 resolution, in which Georgetown University conferred upon Mrs. Landegger the honorary doctor of humane letters, be included in the RECORD as well.

#### A EULOGY FOR LENA LANDEGGER

On behalf of our family I wish to express our appreciation to Msgr. Charles Stubbs for returning to participate in this service to the parish that he so ably led for 15 years, to Father Lucian Beltzner for taking the time from his parish to return to Ridgefield to be with us on this special day, to Georgetown University for allowing Father Thomas Stahl, S.J., member of their board of directors and editor of America magazine, and Father Robert Rokusek, head of campus ministry, and of course, to Father John Ridyard who has been with our family through thick and thin for over 40 years.

I stand before you today in this house of God where we as a family have had happy occasions such as baptisms, first communions and marriages, and sad occasions such as the funeral services for our daughters Marianna Sophia and Helena Victoria.

Today we have come to bury my mother and the mother of my brother, Carl, your grandmother and great-grandmother, Lena, and your friend. She was also my very close friend, probably my best friend, and my very close business colleague.

Her insights into human nature were unparalleled, and in ten minutes she could analyze a man's character accurately and see things that might only develop after many weeks or months of intense business relationships.

The picture that you have in the Mass card at your pews is very symbolic. It shows mother with her youngest grandchild but, in fact, it could have been and probably was with all of us in the family at one time or another, literally and/or figuratively—for a picture of mother, without holding, helping or caring for someone, would somehow be incomplete.

She was truly a giving person, perhaps the epitome of the Bible's admonition that it is

better to give than to receive. She was constantly helping others, in fact, when I once termed her "a solution in search of a problem," she took umbrage at this but later admitted that there was some truth in it.

She deeply touched the lives of her immediate relatives, and moreover, those of many people in this church, in this country, and around the world. Even in the last decade of her life, as Judge Biggs just advised us in his moving eulogy, she became some wonderful kind of mother figure to an entire county in Alabama where she will be mourned at a Mass being conducted simultaneously with this one, as well as at a separate ceremony scheduled for September 29th. Georgetown University plans a memorial Mass and commemoration for her in October. We are simply the privileged ones to have her with us and to have been able to gaze onto her face last night.

She was a true matriarch and the last of an era, and to review her life is like reading a history book. She outlived both the birth and death of communism, experienced the First World War and its inflationary aftermath, the rise of Nazism, which led to her husband's imprisonment for not being politically correct, an interim period working in a paper mill in the British Isles, followed by a penniless immigration with her two sons Carl and George to the new world. How fitting of this great Nation of opportunity that both her sons should serve in its military forces as officers, as part of the 45 year effort to contain communism, while meanwhile her husband, benefiting from the American free enterprise system, created part of the wealth with which this Nation financed the ultimate downfall of the Soviet menace. Notwithstanding her background, she was the first to say that we should honor and help Gorbachev, and she was constantly concerned about America not giving enough assistance to the Russian people.

She was born in imperial Russia and was on vacation in Austria as the First World War started and thereafter was unable to return. She attended a small parish school in a hill town about one hundred miles from Vienna going to and from school barefoot when the weather permitted. And at the age of 18 she met a man for whom she had the utmost affection and respect, and for whom she dedicated the rest of her life in furtherance of his personal goals, and for their family. They married for the first time in 1928, and then again in 1975. This is a love that I am sure carries on in a far better place today, that knew no bounds, that was not troubled with economic disasters or absences or girlfriends or wives or anything—it was a total dedication for one man's benefit, for one family's benefit—and it was truly the stuff that novels are made of. They were penniless during the Depression and again, when they came to this country. In fact they planned to hire themselves out as live-in housekeepers.

Through enormously hard work, brilliance and dedication, my father built up an important enterprise which has continued to grow under my brother's leadership and mine, always under the watchful eye of our mother, to become the largest of its kind in the pulp and paper world.

She was also, while having a primary interest in family affairs, not unmindful of the needs of others. It was at her instigation that scholarships were granted for Hungarians, Czechs and Russians to attend the Taft School here in Connecticut. She also was the prime mover in the establishment of the Karl F. Landegger program in international business diplomacy at Georgetown Univer-

sity named after her father where 600 students now attend courses to better prepare themselves for the international business and diplomatic scene. For this work, and because of her example to young people, she was awarded an honorary doctorate at Georgetown University five years ago, and I take the liberty to read excerpts from that citation, which has been included in your programs, as I believe it captures the spirit of this marvelous woman.

"In honoring Lena Landegger, Georgetown University honors a woman who is as gracious in failure as in success, in adversity as in good fortune.

"Lena Landegger is a woman who has lived a life full of joy and grief, of participation in great successes and being subject to great reverses. Through it all, her inner strength and outer peace have enabled her to achieve the primary goal around which her whole life has been built. In this day and age, when women are struggling to reconcile conflicting goals of family life with motherhood and career demands, Lena Landegger stands out as a shining example of a woman who chose to lead from the background, and through her love and inspiration achieved success through and with her husband and children."

This marvelous woman, larger than life, is one that I simply do not wish to live without, although rationally I know that to lose one's father at 39 and one's mother at 55, or in the case of my brother 61, is in fact, good fortune. She is at ease now with her no longer crippled legs around the back of a fast horse just as she told us they would be.

The altar is draped in white for her as a sign of celebration. For we celebrate this extraordinary woman's life—a most productive and giving life and the fact that she is once again with her beloved husband and friend Karl, next to whom her human remains will be buried later this day.

While alive, she had a most meaningful effect on the lives of all who came into contact with her. The ultimate meaning of her life will now be tested as we seek to persevere in pursuing her principles of loving each other, working hard, and caring for others—without her guiding presence.

Accordingly, today is a day to celebrate a life well lived by a woman who was loved by many, and to rededicate ourselves to live our lives, perhaps not as well as she lived hers, but as well as we can, hoping to gain her approval when we meet again.

For many years she was also a member of the Gellert family, and just as she has done in Alabama and in our family, she provided a sort of loving glue that brought everyone closer together, and it is, therefore, most gratifying and understandable to see so many Gellerts and Petscheks here among us today, mourning her loss, while happy in the knowledge that she will soon be seeing Egon again.

The church teaches us that caring for the sick is a corporal work of mercy, and in that regard mother was the recipient of great and sensitive care, and in particular I would like to express my thanks and I safely feel that of this entire congregation to Vladimira Stoessler and Joanne James, for making mother's last period comfortable and dignified, retaining all the independence that she could possibly handle, and I'd like to ask them both to stand up so that we can thank them publicly.

My brother and I were both blessed in having had two most remarkable parents, both outstanding role models of determination and decency, and having had them with us longer than many other sons and daughters.

And so perhaps in a way it's a bit selfish to be so sad, for mother had done all that she could do, in her mission which concentrated on making this family strong, sensitive and serious.

She trained us as players, watched us as we worked our way onto the stage, critiqued our performances, and now she has sent both her show and our show on the road.

Let us resolve to be more like her, to ask what we can give in a situation, rather than what we can take, to seek accommodation with others rather than confrontation, and to follow our father's advice, spoken during his last speech to the family, namely, that "One may temporize but never compromise with oneself." I now quote from that October 30, 1975 speech which is also enclosed in your program.

"One of the slogans which you have heard me very often say, is that you can temporize, but never compromise—you cannot compromise with yourself above all. You can compromise with other people—sure, but never with yourself—you can temporize, and many times you have to temporize. I hope that I am able to a certain extent to show you the philosophy which made me what I am, which guided our family through several hundred years of ups and downs, and in this world we will have ups and downs. We are presently materially at the peak of success. I don't know what will happen, there will be a war, there will be inflation, there will be a revolution, there will be expropriation, we will be down again—I have not the slightest doubt. But if you preserve the inner strength, and the will to work, and the conviction that you are better, and if you never give up, you will succeed—that's what I want to say."

Armed with that clear advice from both mother and father, grandmother and grandfather, trained by them, and above all guided by their example, my hope is that all three (for there are no longer four) generations of Landeggers present here, look upon this day, not only as the end of an era of greatness with mother, but as the beginning of the more concentrated application of her principles in each of our lives. My father once told me, "When I die don't be sad. I will have gone on hopefully to a far better place, and you should go out dancing." He was perhaps speaking figuratively, but I translate it as meaning that after giving our grief its appropriate expression at the loss of mother, we should joyously reflect on all that we have gained from our association with her.

Her fondest wish would be that disputes or indifference between or among some members of our family disappear, and that both Carl and I, and our families are united in order to progress together as human beings, not in an exclusionary sense vis-a-vis the outside world, but in an inclusive sense so we can make a bigger difference in improving the quality of life, in our homes, in our communities, and in the larger order. Mother was happiest when she saw things being given to others like a playground here in Ridgefield, or computer-assisted kindergarten education and a teen center in Monroe County, Alabama.

We too should be happiest when we have worked hard enough, to not only care for our families, but also share with others. Practically every one of her friends I met in Austria after the war had been the recipient of care packages that she sent from the United States. And some of the ladies mentioned to me that besides the life giving food, the fact that she dropped a lipstick in each one, was something they would never forget.

Her sense of humor was well known and was with her to the end. I spoke with her twice on Friday. In the morning she called me to inquire about the results of some blood pressure tests I had had. And when I told her that the doctors had not yet finished enough tests to make a definitive diagnosis, she said she thought she knew what it was. Her diagnosis was that I had entered menopause.

In the evening I spoke with her rather late from Northern New Hampshire. She said she was tired and looking forward to seeing me early this week. I saw her yesterday evening, and will see her every day for the rest of my life.

#### LENA LANDEGGER

The president and directors of Georgetown College: To all who shall view these presents: Greetings and peace in the Lord:

In honoring Lena Landegger, Georgetown University honors a woman who is as gracious in failure as in success, in adversity as in good fortune.

Lena Berger was born in Moscow in 1908 to a wealthy Austrian father and a mother from the Russian nobility; she lived in Russia until the age of six. The family was on a summer visit to Austria when World War I began, and never returned to Revolutionary Russia. They remained in Vienna ultimately impoverished as a result of the rampant inflation of the early 1920's.

At the age of 17, Lena met and later married Karl F. Landegger, a young bank clerk who through hard work and good luck became a successful and highly respected figure in the Austrian pulp and paper industry. Lena was again among the financially fortunate, and in addition she was happy to be the heart of a family that had grown to four with the birth of two sons. World War II and their flight from Austria to America then brought another complete change in fortune. The Landegger couple suffered such reverses that they seriously considered hiring themselves out as cook and butler.

Lena's internal strength and the confidence she brought to her husband and her family contributed in large measure to the success achieved in the United States. Karl often said that he did not make any major decision without consulting his wife.

Upon the death of her husband, Lena was suddenly actively thrown into the family business at a time of crisis. With her wise counsel, she led her two sons to rebuild the enterprise. It is typical of her approach to life that she has also continued secretly to help her twelve grandchildren in innumerable ways unknown to their parents.

Mrs. Landegger's good works, however, have not been limited to her family. Through a charitable foundation of which she is president, she has concentrated on educational activities because her view, mirroring that of her husband, is that education is the best preparation for the changes that will occur in one's life. Funds have been made available for everything from support of education in New York's Harlem, to education for retarded children in Asian villages. Closer to home was the establishment of the Karl F. Landegger Program in International Business Diplomacy at Georgetown's School of Foreign Service. This program has attempted to provide students with the kinds of insights that the Landeggers gained through experience of war and peace, poverty and prosperity, and personal dealing in trade and diplomacy.

Lena Landegger is a woman who has lived the type of life about which novels are writ-

ten. It is a life full of joy and grief, of participation in great successes and being subject to great reverses. Through it all her inner strength and outer peace have enabled her to achieve the primary goal around which her whole life has been built. In this day and age, when women are struggling to reconcile conflicting goals of family life with motherhood and career demands, Lena Landegger stands out as a shining example of a woman who chose to lead from the back-ground, and through her love and inspiration achieved success through and with her husband and children.

With respect, gratitude, and admiration Georgetown University proudly names as a daughter of Georgetown forever, Lena Landegger, Doctor of Humane Letters, *honoris causa*.

In testimony whereof they have issued these their formal letters patent, under their hand and the Great Seal of the University of Georgetown in the District of Columbia, this twenty-second day of October, nineteen hundred and eighty-seven.

VIRGINIA M. KELLER,  
*Secretary.*

RICHARD B. SCHWARTZ,  
*Dean.*

TIMOTHY S. HEALY, S.J.,  
*President.*

PETER P. MULLEN,  
*Chairman.*

□ 1910

#### TRIBUTE TO DEPARTING MEMBERS OF THE MICHIGAN DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 60 minutes.

Mr. DINGELL. Mr. Speaker, we're here tonight to pay tribute to many of my friends and colleagues of the Michigan delegation who will not be returning to the 103d Congress. I have reserved 1 hour for this purpose and my good colleague and soon to be senior minority member of the Michigan delegation, PAUL HENRY, has reserved the following hour for the same purpose.

I would like to proceed by making some general and specific remarks regarding my Michigan colleagues and then yield time to my good friend and colleague, Mr. HENRY, for his opening remarks. Following Mr. HENRY's general remarks, I will yield time to my colleagues on both sides of the aisle, for the remainder of the hour. If the second hour is required, Mr. HENRY will manage his hour in the same manner.

Mr. Speaker, the Michigan delegation has been a cohesive and solid congressional delegation that has pulled its resources together when the chips are down. The delegation currently has four full committee chairmen, five subcommittee chairmen, two ranking minority committee members, and members of both Democratic and Republican leadership. All told, our delegation has over 200 years of combined legislative and investigative experience and spans most committees of the House.

And why does Michigan have one of the most effective delegations in the House? Simply put, hard work, dedication, cooperation, and commitment to Michigan. That was the good news. The bad news is that soon, some of our most effective and cooperative members of our delegation. Some because of choice, some because of redistricting, and some because of the unfortunate results of the legislative process.

I've enjoyed working with all of my soon to depart colleagues—BOB DAVIS, DENNIS HERTEL, BILL BROOMFIELD, BOB TRAXLER, CARL PURSELL, HOWARD WOLPE, and GUY VANDER JAGT. Each of these fine Members has played an important role in the Michigan delegation and all will be missed.

To expedite matters tonight, I would like to make a few specific comments about some of my colleagues in my side of the aisle. My good friends on the other side of the aisle, BILL BROOMFIELD, BOB DAVIS, CARL PURSELL, and GUY VANDER JAGT have made tremendous contributions to our delegation—and have contributed to its clout, but in the interest of time and out of fairness to others who may wish to speak and I will then yield my time to Mr. HENRY to make specific comments about Members on his side of the aisle.

BOB TRAXLER, or just TRAXLER, as I like to call him, has been an able leader for the thumb area and all of Michigan for 18 years in Congress. In the past 4 years, he has been chairman of the House Appropriations Subcommittee on VA, HUD, and independent agencies. In that role, he has distinguished himself in times of incredibly tight Federal budgets. He is one Member who can make the hard choices and establish priorities among a wide and diverse range of competing interests and programs. His work for veterans has led to his being awarded the most prestigious awards from all major veterans organizations. In the past years, BOB has been able to pull off a few major feats as chairman of the Appropriations Subcommittee. The new VA hospital in Detroit, the addition to the VA hospital in Ann Arbor, the beginning of the multimillion dollar cleanup of the Rouge River, just to name a few.

BOB's strong commitment to agriculture in Michigan and around the Nation has been reflected in his years of service on the Agriculture Appropriations Subcommittee. He has earned the deep gratitude of Michigan State University, for example, through his leadership in bringing the food technology center to East Lansing, as well as millions of dollars in research funds to all our State universities.

Our State and the entire Great Lakes region, will miss BOB TRAXLER very much. TRAXLER, you've made us all proud, and we will all miss you greatly.

HOWARD WOLPE was first elected to the House in 1978 and has represented the Third District of Michigan for

seven terms. He was only the second Democrat ever elected in that district and the first ever to be reelected. And he did that six times. His record of achievement on the environment, U.S. policy toward Africa, and regional economic policy led the "Almanac of American Politics" to describe him as a legislative powerhouse.

HOWARD's skill at lawmaking is most apparent in his most recent role as chairman of the Investigations and Oversight Subcommittee for the Science, Space, and Technology Committee. In his chairmanship, HOWARD has gone after misguided and mismanaged programs and policies at NASA, and National Science Foundation and the Department of Energy.

HOWARD has also worked hard to curb the proliferation of nuclear arms, improve competitiveness in international markets, and improve American infrastructure, education and job retraining programs.

More important, HOWARD has worked hard as an advocate for the residents of the Third District, never forgetting where he came from. As the Kalamazoo Gazette stated in a recent editorial, "Wolpe's 14 years of service have been typified by exemplary service." Despite leaving Congress, HOWARD has told me he will return home at the end of the year and continue to work in public service. Truly a man Michigan and this body can be proud of.

DENNIS HERTEL's career in public service spans 20 years. He began in 1972 as a staff assistant to the Detroit City Council. Over the following 2 years he managed local campaigns for both CARL and SANDER LEVIN, until his election to the legislature in 1974. As a capable and respected lawmaker, he was soon elected to the House in 1980.

As a member of our delegation, DENNIS made Michigan jobs and workers a priority. Foremost on the list of his accomplishments has been his work in protecting jobs. His continued success in preventing the closing of the tank automotive tank command in Warren has saved thousands of jobs in metro Detroit. He has also worked with us to stop unfair trade advantages given to Japan, and to slow the hemorrhage of American jobs to Mexico.

DENNIS has also watched out for middle-income taxpayers while demanding more integrity from those in Government. He recognizes the importance of a healthy environment, and as chairman of the Subcommittee on Oceanography, Great Lakes and the Continental Shelf, he has been successful in directing millions of dollars in Michigan in order to protect our most vital natural resource.

I know that DENNIS' greatest pleasure during his career has been serving the public. I am sure that no matter what he does next, it will somehow benefit the people of Michigan.

Mr. Speaker, I yield to my dear friend, the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I appreciate my colleague sharing his time with me.

I would also like to identify with his very kind, generous, but also appropriate remarks on behalf of the Members of our delegation, who for one reason or another will no longer be joining us as colleagues in this institution.

I am going to focus particularly on my Republican colleagues, just as my colleague, the gentleman from Michigan [Mr. DINGELL] focused in particular on his Democratic colleagues.

We will miss them all, for as a delegation we have tried to work together to the extent we possibly could in representing the interests of our State, as well as our Nation.

BILL BROOMFIELD is the dean of my party in the House of Representatives. Of the 10,000 or so people who have had the precious honor of serving in this institution in the 206 years of this Nation's history, he will be among the top 30 in the number of years in which he has had the distinct honor of serving as a Representative to the U.S. Congress. His record of service cannot be duplicated. This body and the Government as a whole will reap the benefits of his contributions for years to come.

After 8 years in the Michigan Legislature, Mr. BROOMFIELD was first elected to the House in 1956. Many of our colleagues, I suspect, were yet to be born when BILL waged that first successful House campaign. When he served in the Michigan Legislature, he was the youngest Republican in history to be given the distinguished leadership position of Assistant Speaker pro tem.

Congressman BROOMFIELD has served on the Foreign Affairs Committee since 1961, and is its current ranking member. He has met with and counseled Presidents from Eisenhower to Bush, as well as nearly every post-World-War II leader. In many ways he has written the book on the rare role of foreign policy expert and leader here in the House of Representatives.

Presidents from both parties have appointed him to numerous commissions and delegations charged with setting policies for secure peace in nearly every region of the globe. BILL BROOMFIELD was an Ambassador to the U.N. General Assembly that saw the issuance of U.N. Resolution 242, after the 1967 Arab-Israeli War.

He was involved in the strategic arms limitation talks and the Geneva arms control talks. He has worked to find an end to the conflict over Cyprus. He served on the Kissinger Commission on Central America. He is also a member of the congressional human rights caucus.

Mr. Speaker, Congressman BROOMFIELD has also worked tirelessly on nu-

merous domestic issues, and as a member of the Small Business Committee, he has fought for what he knows is the foundation of growth in the American economy.

Let me share with my colleagues some of the recent comments from a rather distinguished group of Americans on the congressional career of WILLIAM BROOMFIELD:

From President Nixon:

Bill Broomfield is one of those unique members of the House who was an expert in both [domestic and foreign affairs]. I could always count on him not only for support, but for wise and courageous counsel when hard decisions had to be made to open up our relations with China and to bring the war in Viet Nam to a close.

From President Ford:

I have the finest recollections of our long and wonderful relationship in the House of Representatives. Over the years our political views on both domestic and foreign policy were virtually identical. During my Presidency, again, you and I shared similar political economic and foreign policy views. Your steadfast and wise support was important as we faced the tragedies of Watergate and Vietnam.

From former President Jimmy Carter:

Your record number of terms is testimony to the impact you have made on the lives of all whom you have served so well over the years. I will always be grateful for your support and wise counsel when I was President, and I deeply appreciate the continued friendship we have shared over the years.

From former President Ronald Reagan:

It was an honor to have you "on my team." Through your dedication, you have established a distinct record of community service that has so intimately been dedicated to your fellow man.

Finally, from President Bush:

It won't be the same without your leadership in the House, without your decency and honor.

Mr. Speaker, I need not attempt to add to the praises of BILL BROOMFIELD. I will only say that he has been the kind of public servant I want to be, and many of us want to be, and I know my colleagues on both sides of the aisle share that sentiment.

Mr. Speaker, Representative GUY VANDER JAGT has represented the Ninth District of Michigan for some 26 years. For over a quarter-century, Representative GUY VANDER JAGT has been a pillar of service to his west Michigan constituents. Their interests have come first throughout GUY's legislative career.

I have known him, not simply as a colleague here on the floor, but as a dear friend who represents the legislative district adjacent to my own, so I know the seriousness with which he has served his constituents at home, as well as the seriousness with which he has attended his legislative duties here in the Capitol.

As a senior member of the Committee on Ways and Means, he has had a

leading hand in key tax, trade, and welfare reform legislation. He has protected the working people of Michigan's Ninth District from unfair tax proposals and numerous unnecessary regulations.

For example, he introduced and successfully saw adopted legislation to provide relief from unfair retroactive tax assessments on Michigan's 39 private workers' compensation funds. This affected more than 7,000 companies and tens of thousands of Michigan workers, who benefited through that legislation.

Mr. VANDER JAGT, in conjunction with former Representative and President Gerald Ford was among the original sponsors of the ESOP legislation, employees stock ownership plans, legislation which has proved of benefit to literally millions of American workers over the years.

GUY VANDER JAGT has also fought on behalf of the recreational and commercial users of the great waterways in his district, including Lake Michigan. At the same time, he has been a leader in the preservation of water resources, as well as such beautiful land areas as the Sleeping Bear Dunes.

Mr. Speaker, my Republican colleagues in particular owe GUY VANDER JAGT a great debt of gratitude for all he has done for building our party. GUY became chairman of the Republican Congressional Campaign Committee in 1975, and over the years he has worked tirelessly to build one of the finest political organizations in the Nation, and many of us would not be here today were it not for his tremendous assistance.

We will miss GUY VANDER JAGT as a colleague in the Halls of Congress. We look forward, though, to many more years of continued friendship and good counsel.

Mr. Speaker, BOB DAVIS has represented the 11th District of Michigan for 14 years.

On issue after issue, the Great Lakes State has had no better friend in Congress than Representative ROBERT DAVIS.

BOB DAVIS came to Congress in 1979, after 12 years in both the Michigan House and Senate. He has fought to boost northern Michigan's industry and has brought much needed focus on our Nation's treasured Great Lakes.

BOB DAVIS carved his niche as ranking member of the Merchant Marine and Fisheries Committee. Before BOB DAVIS, this committee dealt almost solely with ocean issues. But now we have a Great Lakes Subcommittee and our beautiful inland seas get the congressional attention they deserve, thanks to the work of BOB DAVIS and another retiring colleague, DENNIS HERTEL, whose accomplishments Mr. DINGELL has already discussed.

BOB has also distinguished himself as a member of the Armed Services Com-

mittee. Over the years he has been a consistent fighter for the bases in his district, as being part of the critical infrastructure of the economy within his district.

In the northernmost reaches of Michigan's Upper Peninsula lies copper country, a resource-rich land that boomed with prosperity at the turn-of-the-century. BOB DAVIS has worked hard over the past 6 years to establish a national historical park in this region. It will certainly be tough to get the bill passed without BOB's leadership. But he has laid the groundwork, and when the Keweenaw National Historical Park is created, it will be to the credit and the foundation and hard work begun by Congressman ROBERT DAVIS.

The vast geography of Michigan's 11th district is unique. More shoreline than any other district in the continental United States; 22,561 square miles of land; 28 counties; a border with Canada; two time zones—these statistics pose a challenge to any public servant. But, Mr. Speaker, if you stop in the small towns in the tip of Michigan's mitten, or drive through the Upper Peninsula along Highway 28 or U.S. 2, chances are the folks you meet can tell you the last time they had a chat with BOB.

Northern Michigan residents have known for years that they can turn to BOB DAVIS for help with their problems. Constituent service is the BOB DAVIS trademark, and I can tell you that, while the legacy of the tens of thousands of people he has helped will last, his presence in the U.S. House will also be sorely missed.

Finally, Mr. Speaker, CARL PURSELL, having served 16 years as a Representative of Michigan's Second Congressional District.

In Representative CARL PURSELL we see a colleague who embodies what we all know are the qualities of excellent service—the qualities we all hold as goals for ourselves. CARL has always stood up for what he knows is right, both here on the floor and within our party.

I remember in the previous Congress in his efforts to deal with some of the budget problems facing us collectively as Members when he went to his own Appropriations Committee and asked that any special line item or project that was put in to service in particular his congressional district would be withdrawn as his contribution to trying to set an example to all of us in efforts to try to control Government spending and get our deficit under control.

□ 1930

Elected to the House in 1976, CARL PURSELL came to Washington after serving on the Wayne County Board of Commissioners and in the Michigan Senate. He built his solid reputation as

a member of the Appropriations Committee, where he is known for his ability to bridge the partisan aisle with sound fiscal ideas.

As the ranking member on the Labor, Health and Human Services, Education and Related Agencies Subcommittee, CARL PURSELL has played a key role in funding health care, biomedical research, education, job training and labor programs. In other words, he has been a leader on cutting edge issues vital to our Nation's future. He has also worked tirelessly for the great institution of higher learning, the University of Michigan.

He has also served faithfully as a successful coach of the Republicans' baseball team for the annual Republican-Democrat baseball game.

CARL has been outspoken in his support of a balanced Federal budget. I know he is disappointed to be leaving at a time when so little ground has been gained, particularly in this body, in working toward that goal. It is my hope, and I know it is CARL's, too, that those who will make up the core of a very new Congress in January will take to heart the work of CARL PURSELL, and truly work to tackle the greatest threat to our Nation's well-being.

Mr. Speaker, as we review the accomplishments, the records, and service of these individuals, I think it inspires us all to renew our own dedication given the pattern they have set for us.

Mr. DINGELL. Mr. Speaker, I want to thank my dear friend, the gentleman from Michigan [Mr. HENRY], for those very fine remarks about our departing colleagues, and I yield at this time to my dear friend, the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I thank the dean for yielding to me, and I will be brief. I know that many want to speak. I just want to say a word to endorse basically what our dean and chairman of the committee has said, that our delegation is, I think, somewhat unique except for, maybe, delegations made up by only one or two people who happen to be good friends.

Mr. Speaker, I look around the House, I talk to a lot of people, and I think we all know that some delegations have some intense and bitter rivalries. In some delegations, their Members do not speak to one another. Some delegations cannot work together very effectively for whatever reason. Happily that has not been the story in Michigan.

We all know that before an election we have a bit of an open season, but we have always had tradition in our delegation that have made us able to come together after an election and work on a bipartisan basis for all of the people of our State and our country, and that makes working in the Congress with people like those in the Michigan delegation, those desiring to return and those not returning, actually fun. It is

a rewarding experience dealing with people whom we actually enjoy spending time with, and, particularly in this time when we have the media and various candidates for various offices trashing the Congress of the United States, I think it is actually kind of nice to use our delegation as an example of how it can be different.

I would have to say, Mr. Speaker, that in Michigan, on 90 percent of the days and 90 percent of the issues, we find common ground and consensus, and we work together for the good of the State and the country, and we do not get uptight about who is the sponsor of a piece of legislation. If it is good for our State, we all sponsor it, and we do not have an excessive pride of authorship where we will not sign a letter because someone else of the other party authored it. We work together, and that is a side of the Congress of the United States I wish that more people in Michigan and around the country could see.

Now to the Members from Michigan who will not be coming back next year, or at least let me put it this way, that we now know will not be coming back next year, to BILL BROOMFIELD:

BILL has been a great partner with me on many common causes in Oakland County. We have shared a county together, a large and wonderful county with good people. BILL represented most of that county at one time or another. I dare say there is not an area of that county geographically that was not represented at one time by BILL BROOMFIELD, and when reapportionment 10 years ago brought me into Oakland County for the first time, and I inherited a great deal of area from BILL, as I campaigned in that area in 1982, I knew that, if I got elected, I was going to have some mighty big shoes to fill because the people of Oakland County, in or out of BILL's district, have a great deal of affection for him.

I might say that prior to 1983 I had not had a great number of opportunities to work closely with BILL. But in the 10 years that have passed we have worked together a great deal, and I found each and every opportunity to work with BILL a professionally and personally rewarding experience, and I want to wish BILL and Jane the best in retirement. I know that whatever administration is in office in the next year, they would do well to borrow from BILL's expertise in the area, particularly, of foreign affairs.

And to my good friend HOWARD WOLPE on the other end of my district, in the city of Lansing where we have shared a city in the last 10 years, and before that we shared a common boundary along Ingham and Eaton County in the Lansing metropolitan area, it has similarly been quite rewarding to link arms and do together with him what cannot be done separately. Hopefully we have carried out

our responsibility, HOWARD, well to the city of Lansing. They were quite concerned when the city was split, and I think we gave them the advantage of having two Members of Congress, and it has been a lot of fun working with HOWARD, and I dare say to HOWARD and his new bride, Judy, "I wish you a great deal of success in your new service in Michigan."

To BOB DAVIS and DENNIS HERTEL, both of whom had committee assignments that were the same, both on the Committee on Armed Services and both on the Committee on Merchant Marine and Fisheries—our State is not militarily intensive, but we do have some industries, and we have some problems, and in terms of our industries getting fair treatment at the Department of Defense, and anytime those industries were in my area and I needed to get some help on behalf of my constituents and the people who work in those industries, I went to BOB and to DENNIS, and they were always most responsive.

And then, of course, I happen to serve on the Transportation and Appropriations Committee, and the Maritime and the Coast Guard is something that I had to deal with as a day-to-day matter, and DENNIS and BOB were always quite helpful on the authorization committee, and of course our State is actually not thought of so much as a maritime State, but it really is, as the sea coast that we call the Great Lakes, and BOB DAVIS and DENNIS HERTEL have been great leaders in making sure that the Great Lakes sea coast was not neglected in the priorities of the Coast Guard. They are under tremendous budget constraints, and it is often easy for them to think about shortchanging the people of the Great Lakes, but DENNIS HERTEL and BOB DAVIS made sure that did not happen.

And GUY VANDER JAGT. In one sense it is hard to say that GUY VANDER JAGT, from the standpoint of this Member, will be missed.

□ 1940

GUY has, of course, been the chairman of the Republican National Campaign Committee, and as an elected officer of the Republican Conference it has been his responsibility to put the election cross hairs on a number of us on the Democratic side of the aisle. In one sense I am actually glad to see his great skill as a campaigner and as an opponent and as an adversary and as a leader of the Republican Campaign Committee, which has targeted me on a number of occasions, I am actually glad to see him retire from that post, although I am sad to see him go from the Congress.

But I have to say that GUY is one of those individuals who, despite a role that requires him to work as an adversary and despite disagreements occasionally on a partisan matter, GUY is a

tremendous individual who graced this body with an oratorical style, a personable manner, that made it fun to even work with someone who was on the other side of you from time to time.

I have to say, and I hope when he reads this he will understand what I say, even though people listening in might not understand, I have enjoyed, and I hope he has, and he took it very well, but I for years needed him about a personal health hazard that he has had. I wish him well in retirement, but most of all I wish that he would quit smoking. If I have any opportunity to needle him some more, I am going to do it. It has been fun knowing GUY VANDER JAGT.

Lastly, to my good friends and colleagues on the Committee on Appropriations, BOB TRAXLER and CARL PURSELL, Michigan has had a unique opportunity to serve the country by having three members on the Committee on Appropriations. I am the junior of the three.

CARL PURSELL and BOB TRAXLER taught me so much about the appropriations process, they taught me so much about the appropriations jurisdiction, and they taught me how to serve the State of Michigan better, and I am in their debt.

Probably most of all I will miss not having BOB TRAXLER and CARL PURSELL to serve with on the Committee on Appropriations, two tremendous individuals.

To all of those who are presently known to be leaving, I want to wish everyone well in their retirement and hope that they come around a lot to give us the benefit of the experience that they have generated here over the years.

I thank the dean for yielding to me. Mr. DINGELL. I thank my good friend from Michigan, Mr. CARR.

I yield with great pleasure to my good friend and colleague on the Committee on Energy and Commerce, the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. I thank the gentleman for yielding.

Mr. Speaker, we have been heralded by other State delegations and certainly the media as one of the most powerful delegations in the country, Michigan. One of the reasons why is that despite being from different parties, sometimes voting red light-green light on the board above us, it is pretty clear that we operate shoulder to shoulder on behalf of our State and on behalf of our citizens.

When I first ran for Congress, and really every time thereafter, I have used a phrase that I think Mencken used once. He said there are too many Republicans in the Congress—and I must say privately as a Republican I wish we had more, but that is not part of the quote—but there are too many Republicans and too many Democrats in the Congress, and there are not enough U.S. Congressmen and women.

This delegation fits the description of being U.S. Congressmen and women, working shoulder to shoulder.

Every one of these departing Members has brought something very special, both to my work in the Congress, in this body, and to my constituents in southwestern Michigan, but more importantly to our State and to our country.

We all spend a great deal of time together, almost every week, whether it is at airports, here on the floor, or our delegation meetings. I am going to just run a couple of special stories on each of the men that are retiring.

BILL BROOMFIELD, who is here with us tonight, a leader respected by former Presidents of both parties, ranking member on the Committee on Foreign Affairs for a long time. He is a friend who actually has served my entire lifetime.

BILL, there might be a letter maybe that you sent to my folks if I had lived in your district, as I found from my Congressman at that time, Claire Hoffman, who you knew, who has helped me be a player in this body. A Member who has participated in well over 90 percent of the votes, 95 percent of the votes. A Member who has been a player in every foreign affairs issue. A Member who is down in the middle of this well on virtually every vote that we have. A friend of mine, that as I look at what I have done and where I want to go, Michigan with its unique circumstance of being so close geographically to Canada, helped me really become a player on that United States-Canadian Interparliamentary Group. BILL, forever I will hold you very dear to my heart for the hard work and sacrifice that you and your family have done as your work has been unblemished in this great institution. I give you great respect.

BOB DAVIS, ranking member of the Committee on Merchant Marine and Fisheries, who has helped our State in every way with military and Coast Guard matters. Again, as I look at my district along western Michigan, the oil spill legislation where we were able to get a Great Lakes oilspill team, BOB DAVIS had a terrific role as we worked together on that issue.

DENNIS HERTEL, a friend that has served with me on the tourism caucus, so vital to our State, and has been a great voice to save jobs in our State in the defense industry.

BOB TRAXLER, one of the strongest voices in the Congress, who has chaired the HUD Independent Agency Subcommittee on Appropriations and has helped all of our cities try to get their fair share in the recession that has wracked our State and the loss of jobs that we have had. Again, a good player on both sides of the aisle, a person we can call a friend, certainly on our Republican side.

GUY VANDER JAGT, whose oratorical skills will rarely ever again be

matched, served western Michigan so well as a key member of the Committee on Ways and Means.

GUY and I share a number of common boundaries throughout a couple of different counties in western Michigan, Highland, and Spring Lake, God's country.

GUY took me under his wing as I watched him hold audiences spellbound in his visits back home talking to so many different constituents as we worked together on so many projects of economic importance to our part of the State.

HOWARD WOLPE. Again, sharing Kalamazoo County and a number of other areas throughout our district, HOWARD and I have had a great respect and real love for each other. HOWARD has had tremendous constituent service that he has offered to our part of the State, where I have tried to model his operation and matched it as best I could. I have tried to hold that as a standard.

There is no harder working individual on either side of the aisle than HOWARD WOLPE or his wonderful staff who have worked tireless hours on behalf of our part of the State.

Even though HOWARD and I sometimes again have voted red light-green light, we have always been there together on so many issues that have impacted our part of the State. Whether it be trade, whether it be the environment, whether it be trying to better our economy, HOWARD has had terrific, just terrific, respect and we will miss you greatly in this body as a voice of reason. There is no doubt that your time has been well spent here. Your constituents have loved you for the hard work that you have brought to this body.

Finally, CARL PURSELL. Coach, as we call him. He is not on the floor this evening. I think he is probably figuring out the Republican lineup for our annual charity baseball game next week. I hope that somehow he figures to pencil me into the lineup.

But CARL has been a tremendous leader in this body from the very day he came. Again, we have shared a common boundary in our districts.

I watched him come home every single weekend, as so many of these departing Members did, throughout his career. CARL is the heart and soul of this body. He cared deeply about the deficit. I can remember when I worked at the White House at the Office of Management and Budget. CARL PURSELL helped put together as the leader of the 92 Group working with the gypsy moths and the boll weevils, put together a budget alternative which to this day was called one of the greatest budget alternatives that was offered in the eighties in this institution, and it was very unfortunate that it failed by only a handful of votes.

□ 1950

But had it passed, I am convinced that the deficit would not be in the tri-

ple figures that it is today, over \$330 billion, but way less than \$100 billion had we been able to get that baby passed.

In fact, Ken Duberstein, who was chief of staff for Ronald Reagan and well-respected on both sides of the aisle, told me just the other day that no Member of this House commanded more respect when he came down to meet with the President than CARL PURSELL because he was a straight shooter, not a rubber stamp. He called them as he saw them, and that is terrific respect, certainly from everyone in his district as well as those downtown in the White House.

I guess I would have to say through thick and thin, all of these Republicans and Democrats that are retiring, when it came to our Nation and when it came to our State and their districts, changed their party credentials at the door and voted and worked on behalf of our country. They are all decent, honest, hard-working men that served this body so well, and we will miss every single one of them.

Mr. DINGELL. Mr. Speaker, I thank my good friend for his very gracious remarks.

I now yield to my distinguished friend, the majority whip of the House, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my dean for yielding to me and associate myself with the remarks that have already been uttered by my colleagues.

I came to the House of Representatives 16 years ago, but I have known most of the people that we are honoring this evening much longer than that. That is because when I first was elected to the Michigan Legislature in 1972, I could look around the chamber and see BOB TRAXLER, HOWARD WOLPE, and then 2 years later DENNIS HERTEL and, of course, exiting the chamber and going across the rotunda of the capitol, you could find CARL PURSELL and BOB DAVIS.

So I have had a chance to work with and against some of our honorees for 20 years. That is, of course, a very long time. We have worked on the issues that have most concerned our districts—jobs, the environment, health care, education—making our State a better place for our constituents and the people that we represent, a better place to live.

In the legislative battles over those issues, it has been a great source of pride that Michigan legislators have taken a leadership role and have taken a leadership role often. I have had the privilege of working with three legislators most closely. We have become colleagues, but I think even more importantly, we have become friends.

BOB TRAXLER. His special concerns, as has been reiterated this evening, have ranged from wiping out zebra mussels to providing money for our

veterans. And of course, we all, in our delegation, have relied upon BOB for his expertise on agricultural issues.

I remember when I was first elected and was a city boy and was given the town of Yale, which was in the thumb, southern thumb, heart of the sugarbeet and dairy industry. I remember going to a townhall meeting the night before. I went to my first townhall meeting in Yale, Michigan, and I went up to BOB TRAXLER and I said, "You know, I don't know lot about agriculture. Can you give me some hints on what I should say, how I should act?"

He said to me, "DAVID, just be natural, be yourself and just be just and say what is fair."

So I went up to Yale, MI, and I sent out a notice to the constituents of that area to come and listen to me and have a townhall meeting. And I would listen to them and learn a little bit about agriculture.

And we had about 20 people came to a real small schoolroom, and they all were in their bib overalls. It was planting season, and they took the time off to come and see who this new guy was that was going to represent them. And I stood up in front of them, and I introduced myself and I told them who I was. And I said, "There is coffee in the back of the room, help yourself. There are donuts, help yourself, and we will have a nice little chat together."

And I gave a spiel of about 10 minutes, and I opened it up to questions and comments. And this one fellow, I remember, was sitting in the chamber, sitting in the front row. And he had his arms crossed looking at me, wondering who this guy was. And I had called on him for his question or comment.

And he said to me, "Congressman?" I said, "Yes." He said, "You don't know much about this area, do you?" I said, "Well, no, frankly, I have just come up here to represent it."

And he said to me, "This is dairy country. You have got powdered cream back by the coffemaker there. We don't serve powdered cream up here." He said, "BOB TRAXLER serves cream. We don't serve powdered cream up here."

This is a true story. I went back 2 years later, actually, the following year, same school, sent out a notice for a townhall meeting.

I told TRAXLER, I said, "Listen, I really screwed up." He said, "Make sure you have got cream or milk for the coffee."

I went back to the townhall, this townhall meeting, same 20 people, did 10 minutes of what was going on in the Congress. The same fellow was sitting in the front row, arms folded, looking at me.

This time I made sure we had milk and cream in the back for the coffee. And I said, "Are there any questions or comments?"

The fellow raises his hand and says, "Congressman, you were here a year ago, weren't you?" I said, "Yes, sir."

He said, "At that time I told you that we needed milk and cream for our coffee. We didn't like that powdered stuff." I said, "Yes, sir." I said, "There is milk and cream back there."

And he held up this little packet of saccharin. He said, "Congressman, this is sugarbeet territory. BOB TRAXLER doesn't serve saccharin. He serves sugarbeets."

Well, I went back to BOB, and I said, "BOB, I'm having a hard time up here in Yale, MI."

This third year I brought his aide with me, and we got it right, but he has been a wonderful source of inspiration to me.

When he won in 1974, it was a sign that Democrats could win in a Republican district. It was, of course, as many of us remember, one of the historic congressional wins of this century. It was the first defeat after Watergate for the Nixon administration. It was a sign of his ability to be persuasive on issues and his warm personality that his voters not only returned him year after year but that district has become more and more Democratic.

And of course, BOB TRAXLER is our nominee for a trusteeship at the Michigan State University, and I suspect that he will have many years of service for the people and the students of the State of Michigan.

DENNIS HERTEL has been a friend of mine for many years. We both grew up on the east side of Detroit. He went to Demby High School. I went to Notre Dame, which is a few blocks away. We both played football on winning football teams that made it to the championship level.

He grew up on the east in Polish, Italian, and Belgian neighborhoods.

Of course DENNIS HERTEL comes from a family where politics is a business. DENNIS has made his family very proud. I am proud to have had a chance to work with him in the 18 years since he was first elected to the Michigan House.

When he first ran for Congress, I was happy to go door to door for him with some of my supporters, and we would even in the evenings, I remember, up on Lansing, share a coffee or a beer in the evening and talk about the day's work.

Nobody has worked harder on the issues of jobs or changing defense needs than DENNIS HERTEL. We will miss him for his great work on the Great Lakes as well.

HOWARD WOLPE. Well, HOWARD has had a spectacular career as a city councilman in Kalamazoo, as a State legislator and, of course, having served in this great body. We came to Lansing together 20 years ago, a motley group of us called the kiddie caucus. And I would like to think we had a good impact on the State and for the State and the people of Michigan.

The bottle bill, which PAUL HENRY has picked up and has worked so very

hard on at the national level, HOWARD worked on very hard. Generic drug legislation, regulatory reform at the State level, he has led us all on the issues of dealing with special interest lobbying and hazardous waste, and he has also been such an incredibly hard worker. And I think, as FRED has indicated, a very principled person who knew the subtleties of every issue, whether it was apartheid or a UDAG grant for his community.

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He is, I think, one of the more impassioned fighters in this institution on every issue in which justice is at stake, or where championing the oppressed is the issue. This place will be a lot different without him, but I have confidence that he will be serving the people of the State of Michigan in other capacities for years to come. We will miss you, HOWARD, very, very much.

Let me say something about my colleagues on the other side of the aisle. We have had our differences. There is one thing we agree on, and that is the need to make Michigan a better place to live. Therefore, we have worked together on many issues where we could set our differences aside and fight for what is right for the people of the State of Michigan. I have appreciated your many courtesies during those battles, and I will miss serving with you.

BILL BROOMFIELD, who has been here so many years, to him and his lovely wife Jane, I wish them all the best. We were not together on very many national issues, there is no question about that, but he has always treated me with courtesy and respect, and I would like to think that I have reciprocated. He has given a lot to our State and to our delegation, and we will miss him. I will miss him at the Ukrainian Cultural Center, where we have run into each other in the district so often.

Of course, to CARL PURSELL, I will miss CARL in many ways. Working with him in Lansing was a special treat. I will miss him on the baseball and the basketball court, the baseball field, where we have done battle athletically as well as legislatively, and he has had a distinguished career. We wish him all the best.

BOB DAVIS. I have worked with BOB on voting issues, water issues, defense issues. He has been a great Representative for the people of the Upper Peninsula and that upper part of the Lower Peninsula. We wish him all the best.

Of course, GUY VANDER JAGT. I might reiterate the comments of my friend from the Lansing area, BOB CARR. He has targeted me, as he has HOWARD and BOB on many occasions, but he has done so with class and with grace, and we wish him and Carol all the best in their future endeavors.

Once, back in the days when Red Rolfe was managing the Detroit Tigers, he hired the old veteran Yankee Char-

lie Keller to join the Tigers. A reporter asked him why did he do this. He said, "I didn't hire Charlie Keller because we are friends, or because I wanted to do him a favor. I hired him because I wanted to give the ball club a touch of class."

Whichever class you came in with, 1974, 1976, 1980, or in BILL BROOMFIELD's case, 1956, you have lent this wonderful institution a touch of class. I will miss serving with you, all of you, and I will never forget how much you have taught me.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Michigan.

Mr. Speaker, I yield to my good friend from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, tonight, I want to take a moment to express my appreciation to our seven colleagues from Michigan who will not be returning to the House of Representatives next year. Over 135 years of combined service, accomplishments and legislative experience can be found in their records.

Among these seven servants of Michigan are three committee chairmen, three ranking members, and the chair of a congressional campaign committee. Every one of them has served our State in the Michigan Legislature.

The most valuable asset to a newly elected Member of Congress is an experienced and respected friend willing to show you the ropes. CARL PURSELL helped me through those first days and weeks in Congress, and even though I knew my way around halls, his advice helped me avoid some of the pitfalls that all new Members face.

With CARL's retirement, Michigan and the GOP will be losing more than just an influential Member of Congress, we are also losing one of the best coaches the Republicans have had since the bipartisan congressional baseball game began.

CARL's six-game record of four wins and only two losses shows that while winning battles on the floor of the House is sometimes a field of dreams, we are to be taken seriously at America's other favorite pastime of baseball.

Another colleague who helped make my first days a bit easier was DENNIS HERTEL. I remember soon after I was elected, DENNIS called and invited me to his office. We talked at length about Michigan and life in Congress.

DENNIS helped protect the Great Lakes as the chairman of the Merchant Marine Subcommittee and played a key role in saving thousands of defense jobs at the Warren tank plant.

GUY VANDER JAGT will be especially missed on our side of the aisle. His eloquence could rally people to the cause, and his political acumen proved valuable in his role as chairman of the National Republican Congressional Committee.

And since this is a bipartisan event, I won't talk at length about his accom-

plishments as chairman of the NRCC. Except to say that many Republicans owe their congressional careers to GUY's hard work.

I also want to give special mention to BOB TRAXLER, the chairman of the VA/ HUD Appropriations Subcommittee in the neighboring Eighth District. We share Saginaw and Midland Counties.

Our neighboring districts share many of the same concerns about agriculture, small business and education. Students from both districts attend many of the same schools. Veterans and housing advocates will miss his hard work and support of their causes, and I will miss his company on flights back to the Tri-City Airport in Saginaw.

I also want to give special recognition to the Michigan's most senior retiring member, the ranking member of the House Foreign Affairs Committee, BILL BROOMFIELD. BILL was elected to office in 1956 and has served with great distinction over the past 36 years. He has served as a Member of Congress during the administrations of eight Presidents.

As the ranking member of the House Foreign Affairs Committee, he helped craft the policies that today have resulted in the fall of the Berlin Wall, the collapse of communism in Russia, and the spread of democracy throughout the world. His steady and firm voice in Congress helped get these policies enacted. And I know he has more to contribute, hopefully as a U.S. Ambassador.

Also in the area of foreign affairs, HOWARD WOLPE helped bring attention to plight of hunger facing Africa. Today, we are gripped by horrible sights of famine from the Horn of Africa. HOWARD's keen foresight saw this problem emerging long before it reached the headlines. His retirement will mean the loss of a strong and compassionate voice on behalf of the cause of ending hunger in Africa and the world.

Closer to home, another retiring Republican, BOB DAVIS, has worked hard to represent the Upper Peninsula and bring greater awareness of issues facing the Great Lakes region. His tenure is the result of his excellent record of constituent service and protection of the Great Lakes. His efforts to the repeal of the boat user fee is a feat of perseverance.

Mr. Speaker, Michigan has been fortunate to have these fine representatives serving in Congress. I wish all of you the best in the future. I know they will carry their dedication, energy, and talent to new challenges with the same distinction and dedication they brought to the business of serving the public in the U.S. Congress.

Mr. DINGELL. Mr. Speaker, I yield to the spokeswoman from Michigan [Mrs. COLLINS].

Mrs. COLLINS of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to pay tribute to the retiring members of the Michigan delegation. It is with great sadness that we will lose such fine gentlemen.

After arriving to Congress on January 3, 1991, the Michigan delegation warmly welcomed me to Capitol Hill, but Representatives HOWARD WOLPE, ROBERT TRAXLER, and DENNIS HERTEL were particularly helpful. They were supportive and assisted me in every way possible.

Representative WOLPE opened his doors to me. He and his staff helped me turn my empty office into a productive and efficient congressional office. They assisted me in many other ways.

Their kindness and support did not surprise me, because I had worked with both Representative WOLPE and Representative HERTEL before at the Michigan State legislature.

Mr. Speaker, the Michigan delegation is similar to a family. We are all from different backgrounds, but we are joined by friendship and camaraderie. This working relationship and unity will make the departure of members of the Michigan delegation that much more difficult.

Although, the time I spent working with the departing Representatives was limited, I was still able to observe impeccable talent, brilliance, and strength.

Michigan residents will surely miss the representation of these special gentlemen, but their contributions to make Michigan one of the greatest States in the Nation will never be forgotten.

In the 14 years Congressman WOLPE has served in Congress, his purpose—to represent the interests of his constituents—was never lost. Representative WOLPE worked diligently to improve the way of life for all of his constituents.

Representative DENNIS HERTEL worked to bring resources to areas in Michigan, which might have been ignored otherwise.

Representative BOB TRAXLER counseled me on appropriations matters.

Mr. Speaker, it was a great pleasure to have had the opportunity to serve in the U.S. Congress with such honorary gentlemen. We will miss their counsel and dedication, but I know that their service to the citizens of Michigan will continue in some capacity.

Departing members of the Michigan delegation, you have been a credit to the State of Michigan. The many fine tributes which were paid to you are an inspiring manifestation of the high esteem in which you are held. I want to supplement them by adding a personal expression of deep regard for you. Your unfailing courtesy, the high fidelity with which you performed the most dif-

ficult tasks, and your great sacrifices on behalf of Congress more than justify all the nice things which have been said about you.

Mr. Speaker, the retirement of dedicated and hard-working Members of Congress is unfortunate for they can never be replaced, but it was a tremendous pleasure to have had the opportunity to work with everyone of them. God bless every one of you and may you continue to enjoy life at its best.

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Mr. DINGELL. Mr. Speaker, I am delighted to yield to my good friend from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding, and I thank him and Mr. HENRY for asking for this special order this evening to recognize these outstanding Americans.

The State of Michigan is losing 136 years of legislative expertise in the House of Representatives, and that is not counting the time that these gentlemen have given to public service in State legislatures or as locally elected officials.

BILL BROOMFIELD is the ranking member of our Foreign Affairs Committee, the committee on which I serve. We are going to miss BILL BROOMFIELD, and I, quite frankly, envy BILL BROOMFIELD's career, because when he came to the Congress communism stood before the world like a colossus. Today there is no such thing as a Communist power. I am not saying that BILL BROOMFIELD singlehandedly destroyed communism, but I am saying that it is people like BILL BROOMFIELD who day in and day out stood strong, and stood fast for the principles in which we believe, and he won out in the end. And for that, BILL BROOMFIELD, we say thank you. And I also want to say thank you personally for treating me fairly and giving me such good advice and counsel over the years. For that again I say thank you.

BOB TRAXLER is a real gentleman, a man of integrity, and a man of good judgment. And when BOB TRAXLER gives you his word, by golly, you can bank on it. We needed an outpatient clinic in Wisconsin, and thanks to BOB TRAXLER we got our outpatient clinic. And when the chips were down in the conference committee, BOB TRAXLER said we are going to make sure the job gets done, and by golly he got it done. He is a person of great legal abilities, and I know that he is going to do well in whatever endeavor he follows. And I know the University of Michigan is going to be lucky to have him as a trustee. I know that sometimes the Appropriation Committee assignment can be a thankless job, because there are many Members looking for favors. But BOB TRAXLER is a legislator, and a friend, and he has really made a difference not only for Michigan but for the State of Wisconsin, and again for that we say thank you.

CARL PURSELL. Many have talked here this evening about his exploits as a baseball player and a coach. But I want to say that CARL PURSELL has done a lot for Wisconsin, because he has done a lot for the Great Lakes, and for that we thank him. Losing CARL PURSELL is going to be like the Milwaukee Brewers losing Paul Molitor.

As for some of the other Members, I would say that GUY VANDER JAGT is a person that has done so much for me here on the floor and back in the State of Wisconsin. GUY VANDER JAGT in the historic 1980 Republican Convention gave the keynote address. I think probably it was the most memorable keynote address we have ever had before our convention, and it is not going to be forgotten for a long long time. And he is the single person who has done so much for the people coming to Congress.

To HOWARD WOLPE and BOB DAVIS, who have received so many accolades this evening, I would say that HOWARD WOLPE is a Member who came in the 1978 class along with BOB DAVIS, and we are going to miss HOWARD WOLPE. He is a fellow who has done a lot in the Foreign Affairs Committee, and we would say in Wisconsin that he has stuck to his guns, he has stuck to his principles in which he believed and the people who believed in him, and for that we salute you.

To BOB DAVIS, the first time I heard of BOB DAVIS was in Florence, WI, which is adjacent to Michigan. And I heard about this dynamic young politician in the State of Michigan, and by golly, everything they said about him was true. In 1978, he came along, he licked all of the opposition, and he did a marvelous job, and he always has done a great deal for me in helping me in Wisconsin with our shipbuilders and the problems we have had in the Great Lakes and so on. He has always been there to help, and he has not always been dynamic, but he is a person that always gets the job done.

DENNIS HERTEL is a neighbor of mine, and we have always had an excellent relationship with him. Everything that has been said about him here this evening I would just like to second, because he is a person that is also going to be missed, and a person that we are going to see on the scene I am sure for many years to come.

To all of them I say congratulations, and the best of luck to the people who served in the Michigan delegation. Not only have they enriched Michigan, but also they have done a lot for our State of Wisconsin, and I appreciate that.

Mrs. MORELLA. Mr. Speaker, and fellow Members, it is with great pride and sadness that I pay tribute to seven colleagues from the great State of Michigan who are leaving Congress at the end of this session. I am fortunate to have had the opportunity to have worked with and known seven of the finest Representatives to have been elected to Congress

throughout its history. I regret that the American people will no longer have the benefit of their inspired leadership.

I will miss BILL BROOMFIELD, who had his second home in my district during his tenure in Washington. As ranking Republican on the Foreign Affairs Committee and one of the most senior Republicans in the House, he has been a source of wise counsel, particularly in the area of arms control. He has always been a gentleman: honorable and reasonable—and a friend.

GUY VANDER JAGT, the second ranking Republican on the Ways and Means Committee, has not only led the National Republican Campaign Committee, but also has been a leader on numerous environmental and health issues. He is an innovator—and one of the great orators in the history of this body.

CARL PURSELL, ranking Republican on the House Appropriations Labor—Health and Human Services—Education Subcommittee, will be missed for his relentless efforts to balance the budget and his fine work on national energy and health issues. CARL'S absence will also be felt at the annual titanic congressional baseball game, where he has been a hard-hitting first baseman. More recently, he has been the GOP coach.

BOB DAVIS, ranking Republican on the Merchant Marine and Fisheries Committee, has worked on behalf of the Great Lakes region to find solutions for its problems. I have worked with him on his effort to repeal the recreational boat user fee and will miss his diligent concern for his constituents.

BOB TRAXLER, chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, has been one of the cardinals of the House. His skillful leadership on the 1990 budget summit package and his interest in serving constituents has endeared him to his colleagues and earned him their respect.

HOWARD WOLPE, chairman of the Science Subcommittee on Investigations and Oversight, has been a congressional leader on African issues and left a legacy of his interest in exterminating South Africa's apartheid system and providing United States aid for Africa. I have served with HOWARD on the House South Africa Task Force and have valued his knowledge and commitment toward a democratic South Africa. I have worked with him on his efforts to reduce waste, and I will miss his able legislative abilities.

DENNIS HERTEL, chairman of the Great Lakes and Outer Continental Shelf Subcommittee, has advocated the prohibition of ocean dumping of medical waste and been a firm advocate of streamlining the military procurement process. As a fellow member on the Aging Health and Long-Term Care Subcommittee, we have worked together to find solutions to the Nation's complex health care problems, and I will miss his earnest intelligence.

I offer my best wishes to all of these fine statesmen as they embark upon new paths. While the State of Michigan and the U.S. Congress will be diminished by their loss, I know that they will add luster to other new and challenging endeavors.

Mr. FORD of Michigan. Mr. Speaker, I want to thank JOHN DINGELL and PAUL HENRY for

setting aside time today to recognize members of the Michigan delegation who are retiring at the end of the 102d Congress.

Michigan can boast of one of the finest delegations in the House. Despite our often pronounced ideological differences, our delegation has proven time and time again that we can come together on issues of importance to the State. I only hope the new batch of Michigan members can help us continue this tradition of cooperation.

I would like to spend a few moments recognizing the retiring members of the delegation. I will proceed in order of seniority.

BILL BROOMFIELD

BILL BROOMFIELD has proudly served his district for 35 years. I joined him in the delegation in 1964. Our friendship has grown over the years. I consider him a personal friend.

BILL serves on the Foreign Affairs Committee and Small Business Committee. He became the ranking Republican on the Foreign Affairs Committee in 1975. Our colleague, Chairman DANTE FASCELL, has come forward time and time again to recognize BILL as a ranking member who is interested in getting legislation passed rather than proving the differences between the Democratic and Republican parties. As a chairman myself, I can appreciate this type of cooperation.

GUY VANDER JAGT

GUY came to the House in 1966, 2 years after I did. We have worked together on issues of importance to Michigan throughout our overlapping tenures here in Washington.

As a Member of the House, he has served on the Ways and Means Committee and the Joint Committee on Taxation with distinction.

While GUY dedicated much of his time and energy as chairman of the NRCC to defeating Democrats like me, I never held his work against him. I always understood his labor at the campaign committee to be normal in this partisan system we are a part of.

BOB TRAXLER

Michigan suffers with the loss of BOB TRAXLER. BOB joined the House in 1974. He worked his way up the Appropriations Committee ladder. He ascended to the chairmanship of the Subcommittee on HUD, VA, and Independent Agencies at the start of the 101st Congress.

From this position, BOB has done more than any Member in recent time to bring grant and special project money to Michigan. In particular, BOB has worked to improve Michigan's veterans facilities and clean up Michigan's lakes and rivers. Both JOHN DINGELL and I are deeply indebted to BOB for his championing of the Rouge River demonstration project. This project means much to our communities that border this river which has been the dumping ground for industry for so many years. This project also means a lot to the entire Great Lakes region, for the Rouge has been recognized as one of the primary sources of pollution to the Great Lakes.

BOB also helped JOHN and me realize our long-sought-after goal of a new medical care facility for the veterans of southeast Michigan. In 1990, ground was broken in Detroit for a new \$250 million state-of-the-art medical center. This new center will be augmented by a long-term care facility at the Allen Park VA center.

Beyond his work on appropriations, BOB has been a great defender of Michigan farmers. On a personal level, I always turned to BOB when it came to agricultural questions before the House. I appreciated his wisdom on this front.

CARL PURSELL

CARL and I have shared neighboring districts throughout his 16-year career in the House. I have enjoyed working with him.

CARL serves on the Appropriations Committee. He became the ranking member on the Subcommittee on Labor, Health and Human Services, Education and Related Agencies upon the death of Silvio Conte in February 1991. Throughout his tenure on that subcommittee, I could always count on CARL to provide adequate funding on the programs in education and labor that I helped authorize. Like me, CARL knows how important education is for our future. Our kids must have decent schools and teachers to compete in the coming decades. CARL has worked hard to see that we meet our education responsibilities.

HOWARD WOLPE

HOWARD joined us in the House in 1978. He currently serves on the Foreign Affairs Committee and the Science, Space, and Technology Committee. After a decade of chairing the Foreign Affairs Subcommittee on Africa, he took over the chairmanship of the Science Subcommittee on Investigations at the start of the 102d Congress.

HOWARD has pursued a variety of interests during his tenure in the House. As chairman of the Africa Subcommittee, he led the congressional push for sanctions against South Africa and its unjust system of apartheid. He ultimately helped pass sanctions legislation over a Reagan veto. The sanctions played a large part in bringing about the reforms now taking place in South Africa.

HOWARD has also worked hard on issues that affect the people of Michigan. As chairman of the Northeast Midwest Coalition, he took the time and effort to make sure that regional concerns of Great Lakes States, like Michigan, received the attention they needed from members of other regions. His coordination as chairman brought members of the coalition on board in his efforts.

This year, as chairman of the Science Subcommittee on Oversight, he has worked hard to see to it that we don't throw our precious dollars on projects of dubious value. While the jury is still out on whether we will continue to fund the superconducting super collider, HOWARD did much to see that we halt the construction of this huge budget buster. I appreciate his efforts in this regard.

BOB DAVIS

BOB also came to the House in 1978. Throughout his career, he has been an important voice for Michigan on his two committees, Armed Services and Merchant Marine and Fisheries. As ranking member on Merchant Marine, BOB has been a consistently strong advocate for the Great Lakes. In this regard, he can count passage of the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 as one of his achievements. This legislation hopefully will eliminate dangerous non-indigenous species, like the zebra mussel and the river huffe, which threaten the delicate ecological balance of the Great Lakes.

Beyond his committee work, I could always count on BOB on labor legislation put forward by my Education and Labor Committee. I particularly appreciated his support for my plant closing bill which finally became law in 1988 after a 14-year struggle.

DENNIS HERTEL

DENNIS was first elected to the House in 1980. Like BOB DAVIS, he sits on both the Armed Services and Merchant Marine and Fisheries Committees. He serves as the chairman of the Subcommittee on Oceanography and Great Lakes and Outer Continental Shelf.

As a member of Armed Services, DENNIS has been dogged in his efforts to eliminate unnecessary nuclear weapons systems, like the MX missile. After years of work, DENNIS' crusade against the MX was vindicated when the House voted in the 1991 defense authorization bill to halt further funding for the MX rail-based system.

As chairman of the subcommittee with jurisdiction over the Great Lakes, DENNIS has made his biggest impact in defending the lakes. Many of our colleagues outside the region tend to believe the lakes are merely a regional concern. DENNIS has fought to convince them that the Great Lakes are both a national treasure and a national responsibility. He has worked to see that the lakes' unique environmental needs are addressed. He has also left his mark economically in promoting both the Great Lakes shipping and fishing industries.

In closing, I give my best to all seven Members who will hang up their cleats with the close of the 102d Congress. I wish them a fulfilling career or a relaxing retirement outside the House. I do not think we have heard the last from these men.

Mr. DERRICK. Mr. Speaker, when the 103d Congress convenes next year it will be without the services of Congressman BOB TRAXLER of Michigan. The new Congress will miss BOB TRAXLER's public service, and more importantly, it will lack BOB's commitment to making our government work for the people.

Now completing his 10th term, BOB has always put the interests of his country and its people first. As an Appropriations Subcommittee chairman, BOB successfully directed funding to the Nation's programs for veterans, housing, space exploration, environmental protection, and scientific research. These programs have moved forward under BOB's leadership.

BOB's service to Michigan and to the country represent positive government at its best. His tenure in the Congress has been marked by coming up with workable solutions to many of the problems facing our country. People like BOB—with their service and dedication—are what keep alive the faith so many of us have in the Government. Our Government works because the people make it work. BOB has underscored the idea that Government-backed services do make a difference in our everyday lives.

As a colleague, I will miss BOB's leadership as the chairman of the VA, HUD and Independent Agencies Subcommittee. As a good friend, I wish BOB the best in his new life after the 102d Congress.

Mr. CONYERS. Mr. Speaker, it is with a mixture of appreciation and regret that I address you this evening to bid farewell to seven

distinguished members of the Michigan delegation, including Congressman BOB TRAXLER and HOWARD WOLPE. I will speak mostly with appreciation, for I have only one regret: that the people of Michigan and the U.S. Congress will not only lose the keen legislative insight and experience of these fine men, but will also no longer benefit from their genuine commitment to and interest in doing what is right.

I have worked with BOB for a good many years and have always known him to work hard on behalf of his district, invoking discussion on critical areas such as increased access for Americans to health care and the protection of the environment. And while you might think that it is politically correct for every politician to espouse these issues, I assure you I have watched him work tirelessly on them throughout his career.

BOB served on the Appropriations Committee and on two of its subcommittees: VA, HUD, and Independent Agencies and Rural Development, Agriculture, and Related Agencies. His position on both of these subcommittees allowed him to give much to his district, State, and region. He took advantage of his chairmanship on the VA, HUD, and Independent Agencies Subcommittee to bring badly needed Federal health care funds for the veterans of his district, helping, at one point, to establish a new VA medical center. He also brought the EPA to Michigan to study acid rain's effect on the whole region, specifically the Great Lakes, by funding their efforts to establish research sites in our State.

With his vice chairmanship of the Rural Development, Agriculture, and Related Agencies, BOB has been able to help Michigan's agricultural sector thrive. He has brought several projects to the area to study new methods of and enhance our State's production.

While seeing to the needs of constituents, he never once shirked his greater responsibility to the Nation. As a chairman of an Appropriations Subcommittee, he championed the cause of responsible Government spending, and together with my other esteemed, retiring colleague, HOWARD WOLPE, formed a formidable coalition against wasteful pork-barrel programs.

My good friend and colleague, retiring Congressman HOWARD WOLPE, became the guru of high technology and advanced manufacturing during his tenure on the Committee on Science, Space, and Technology. As chairman of the Subcommittee on Investigations and Oversight, he worked to curb waste in Government-sponsored research and development and successfully eliminated many of these programs. His dedication ensured that expenditure would be dictated by necessity rather than senseless political opportunity.

HOWARD has been one of the leading environmental advocates in Congress. From his membership on the Subcommittees on Environment and Energy to his chairmanship of the Democratic Caucus Task Force on the Environment and Energy, HOWARD has always focused on environmental protection and research and development of alternate sources of energy. He holds a 96 percent lifetime voting record with the League of Conservation Voters. Recently he was named "Legislator of the Year" by the Michigan Audubon Society.

HOWARD has also served for many years with distinction on the Foreign Affairs Commit-

tee. There he took a great interest in Africa and rose to chair the Subcommittee on Africa—a position he held for 10 years. Since he was one of the leading congressional opponents of apartheid, I had the honor of working with him on many issues relating to Africa.

It has been an honor and privilege to know and work with all retiring Members. I am sure that this Congress will join me and the American people in expressing our gratitude for their dedication to excellence. Our institution will be poorer for the departure of these two fine men. They will be sorely missed.

Mr. SENSENBRENNER. Mr. Speaker, when the 103d Congress convenes in January 1993, many anticipate more than 100 new faces among the ranks. The Michigan constituency unfortunately will lose 7 of its current 18 member delegation after this Congress. Messrs. HERTEL, WOLPE, DAVIS, PURSELL, TRAXLER, VANDER JAGT, and BROOMFIELD are leaving the House for various reasons.

Michigan is consistently recognized each year as one of the most influential delegations in the House of Representatives. Through experience and leadership, these retiring Members on both sides of the aisle have made their legislative mark both for their State and the entire Nation. These Members have demonstrated both tenacity for their respective interests and causes, as well as a spirit of cooperation within the legislative process.

I have had the privilege of working with all these Members and join my colleagues in wishing them well in their future endeavors. They have served their constituents well and brought honor and respect to this institution with their outstanding performance. I thank these Members for their friendship and wish them all the best.

Mr. KILDEE. Mr. Speaker, I rise today before the House of Representatives to pay a much deserved tribute to those Members from the Michigan congressional delegation who will be departing at the end of this session. I stand here in the hope that BILL BROOMFIELD, GUY VANDER JAGT, CARL PURSELL, BOB DAVIS, BOB TRAXLER, HOWARD WOLPE, and DENNIS HERTEL will all realize the gratitude I feel for having had the opportunity to call each one of them friend. Their qualities of diligence, care, sacrifice and dedication not only provide a testament to these legislators' personal fiber, but have also enabled them to leave an indelible impression upon the country they have so faithfully served.

As we all know, some of this country's most bold and innovative policies were crafted by the hands of those whom we now rise to honor. Indeed, each of their careers was marked by unyielding dedication to the welfare of this country's citizens. Years ago, when I first contemplated a career in public service, I had the benefit of several great role models who, to me, symbolized this body's highest ideals. It is because of those whom we now rise to honor, that others will benefit from that same inspiration. Their contributions and the manner in which they were accomplished will surely become the trademark of their generation.

I know I do not stand alone in wanting to express appreciation for having had the opportunity to serve alongside these individuals. My years on Capitol Hill have been significantly

enriched and forever molded by their presence. Those who have had occasion to team up with these distinguished legislators are well aware of their extraordinary expertise and foresight.

Mr. Speaker, I am joined by countless others, both in this body and throughout the Nation, who realize that these individuals will be sorely missed. Yet, we are confident that each one will undertake their future endeavors with the same signature enthusiasm and vigor that characterized their work here in Congress. We will always cherish our memories of these great legislators as we recall the many ways in which they have enriched our lives. Today I rise to wish them well and bid them a fond farewell.

Mr. HORTON. Mr. Speaker, I join with my colleagues in paying tribute to the members of the Michigan congressional delegation who will not be returning for the 103d Congress.

I consider it an honor and a privilege to call BILL BROOMFIELD, the dean of this great delegation, a close friend. We have served together in this body for three decades, and have seen a lot of changes. But one thing that has remained steadfast through the years is BILL's commitment to accomplishing real goals instead of mere partisan victories. He shares the somewhat dubious distinction with our leader BOB MICHEL for the longest continuous tenure as a member of a minority party. Yet, as the ranking minority member of the Foreign Affairs Committee, he has shown his ability and willingness to cooperate with both sides to work out compromises and allow this legislative body to function as it was intended.

I have greatly enjoyed my friendship with BILL BROOMFIELD over the years, and will remember fondly our times sitting together during many historical addresses during joint sessions of Congress. His presence will be greatly missed on both sides of the aisle. He has been a truly outstanding public servant, and is to be commended for his many years of hard work in Congress. I know I am expressing the sentiments of many people when I say his retirement is going to be a great loss, not only for his constituents, but also for this Nation.

GUY VANDER JAGT will surely be missed, not only by Members of Congress, but by GOP political hopefuls that have looked to him for leadership and guidance through the years. He has served his constituents and the Nation well for the 26 years he has held office, rising to a ranking member position on a subcommittee of the powerful Committee on Ways and Means.

And as chairman of the National Republican Congressional Committee since 1975, he has aided many Republican House Members through his superior fundraising abilities and skills as a great orator. I am sure I speak for many people when I say how much we appreciate the time he has taken to share his experience and leadership with new Members on our side, taking them under his wing and giving them guidance. He has served this body with distinction, representing this institution the way it is supposed to be.

HOWARD WOLPE is also a close, personal friend who has done a wonderful job as co-chairman of the Northeast-Midwest Coalition, of which I am proud to be a cofounder. He has done magnificent work on behalf of this

country, rising through the ranks on the Foreign Affairs Committee to the chairman position on the Subcommittee on Africa. He has served not for the publicity, but because he cares about his obligation to further the best interests of our country.

He has worked with the members of the Northeast-Midwest Coalition to try and solve the problems of our region and make sure decisions fairly address the needs of our region. He has represented the people of Michigan's Third District with distinction, and his constituents will be hard pressed to find a representative that works as hard, or cares as much, as HOWARD WOLPE does.

BOB TRAXLER, CARL PURSELL, BOB DAVIS, and DENNIS HERTEL are all shining examples of the fine men that I have had the privilege of working with in my many years serving the people of this country. I have had the great honor of working closely with these men, and know that the House of Representatives will surely suffer a loss without the leadership these men have so graciously provided. They have served their constituents well, which has been evidenced at the polls time and time again.

As one who will also not be returning for the 103d Congress, I share some of the same bittersweet memories as this session slowly comes to a close. We have dedicated a large part of our lives to serving the people of our districts and this Nation. We have seen this country through prosperous times, as well as times of war. And I can say with heartfelt respect that the years you have dedicated and the work you have done is greatly appreciated by all. I wish you and your family good luck and good health in the years ahead, and would like to extend my commendations to you all for a job well done in the Congress of the United States.

Mr. HUGHES. Mr. Speaker, I rise today to join with my fellow colleagues in honoring more than a decade of service to this House by my friend, Representative DENNIS HERTEL of Michigan.

DENNIS is a fine legislator with a solid record of accomplishment. As chairman of the Merchant Marine and Fisheries Subcommittee on Oceanography, DENNIS has worked earnestly to provide for environmentally sound usage of our coastal waters. We had the opportunity to work together on my legislation to create standardized beach testing methods as well as on plans for the development of the National Undersea Research Program. The leadership DENNIS provided was invaluable and I enjoyed working with him on these and many other key issues.

I also have had the pleasure of serving with DENNIS on the Select Committee on Aging. His work to ensure that the health care needs of the aged are addressed is of vital importance to the growing senior population.

Throughout his tenure in the House, DENNIS has served the people of the 14th District of Michigan well. I am pleased to join with his constituents, as with our colleagues in the House, in expressing my sadness that DENNIS has completed his time in the Congress. Yet, I am happy that he will be able to spend more time with his family and move on to new and exciting challenges.

Mr. REGULA. Mr. Speaker, the departure of the Michigan Members including BOB TRAX-

LER, HOWARD WOLPE, DENNIS HERTEL, BILL BROOMFIELD, GUY VANDER JAGT, CARL PURSELL, and BOB DAVIS will leave a big gap in the leadership and quality of this institution. Major committees will feel the loss of individuals who have contributed mightily to the success of deliberations and the legislative successes resulting therefrom.

The focus of the departing Michigan Members has been very eclectic and, therefore, brought success in disparate areas that have individually and collectively benefited the people of America.

To BOB, HOWARD, DENNIS, BILL, GUY, CARL, and BOB, this body will miss your wise counsel and dedicated patriotism to the betterment of America.

I wish you all well in meeting your new challenges.

Mr. SCHULZE. Mr. Speaker, it is a daunting task to speak about a man who's been called the best speaker in the House of Representatives. But GUY VANDER JAGT is much more than a colleague to me, he is also a dear friend. So, I will step up to this challenge and hope that I can pay him the tribute he plainly deserves.

From the beginning, GUY has been devoted to public service. His training began at age 17 when he served as a minister during his senior year in high school.

From that experience he gained a deeper commitment to his core principles, values, and ethics. He also learned how to put the fear of God into his listeners. That ability has been largely responsible for his success in Congress.

That training certainly didn't hurt him when he took a leadership role in the historic task of overhauling the Tax Code in 1985. That work has resulted in greatly needed tax relief for low- and middle-income families and more equity in our business tax collection.

It is impossible to tell the number of lives that have been improved because of GUY's work in the House.

For example, GUY introduced a bill to expand Federal research for the treatment and prevention of diabetes. The resulting legislation was the National Diabetes Act of 1974. How many people will live longer, better lives because of his efforts? We can only imagine.

And he's certainly been good for the people he represents in Michigan.

GUY successfully introduced a bill that addressed a special Medicare reimbursement problem for 15 Michigan hospitals.

He also achieved the adoption of legislation that provided relief from unfair retroactive tax assessments on Michigan's 39 private workers' compensation funds. That legislation affected more than 7,000 companies and tens of thousands of workers.

GUY has been great for our party too. When GUY took over as chairman of the National Republican Congressional Committee, it was in debt after the 1974 elections.

But GUY threw his endless energy into rebuilding the organization. He traveled thousands of miles, and made nearly 2,000 appearances in all 50 States on weekends and on what might have been vacation time.

Many of our GOP Members of Congress are here because of the work GUY did on their behalf. But that's GUY. He's always where he's

needed most. I know that from personal experience.

As you recall, my dear wife Nancy passed away over 2 years ago. GUY was there for me. He shared his extraordinary ability to reach the soul when he spoke at Nancy's service.

GUY is always there when you need him most—and for that, I remain eternally grateful.

Don't confuse GUY's departure from Washington with something like retirement. I know him too well. This might mark an end to this particular stage of public office, but it won't be an end to his public service. It's too much a part of him.

I'm here to pay tribute to an exemplary career. But let me make it clear that this is in no way an end to our regard, respect or admiration for his diligent pursuit of excellence.

GUY, please take away with you our appreciation and our deep affection. Our best wishes are with you, Carol and Ginny.

Mr. FASCELL. Mr. Speaker, I rise to salute members of the Michigan congressional delegation who will not be returing to Capitol Hill for the 103d Congress. I have served with all these colleagues through the years and I have the utmost respect for the dedication and statesmanship which they have brought to the deliberations of the Congress. Their service to Michigan and to the U.S. House of Representatives will be long remembered. I thank them and their country thanks them.

First of all, I speak of two members of the Committee on Foreign Affairs who have served with me both before and during my current tenure as chairman of the committee. I speak, of course, of WILLIAM S. BROOMFIELD and HOWARD WOLPE.

First, my dear friend the very able and affable BILL BROOMFIELD, the ranking member on the Republican side of our committee; I've always considered BILL my cochairman and I think I can say in all honesty that BILL and I have served side by side, working for what we both believed was in the best interest of the Congress and our country.

BILL and I have worked together on the Foreign Affairs Committee for over 30 years.

Have BILL and I ever disagreed? You bet we have. Have we ever failed to respect each other and each other's position? Not on your life.

I will remember our relationship as one where we have always been impartial in our deliberations on foreign policy initiatives and programs. I think particularly of matters that concerned arms control and non-proliferation. Together, I feel we led the way in this area. And together, I feel, we have done much to reduce the threat of nuclear war and regional conflict.

No one in the Congress has better served the interests of his country in the total arena of foreign affairs than BILL BROOMFIELD. He has served with integrity. He has served with grace. And he has always served with a smile and an abiding good humor. Our Nation is in his debt. Once again, let me say that I wish BILL and his lovely wife, Jane, the very best as they now begin to direct their lives along different paths. Good luck and Godspeed.

To my Foreign colleague, HOWARD WOLPE, I direct a similar measure of goodwill and best wishes as he takes his leave of Congress.

HOWARD's long service to our committee has moved him to one of the top positions on

the majority side of the room. From there, he has always offered a deliberate and perceptive voice to matters that came before us. His solid background as a teacher, author and university professor has stood us in good stead as we worked our way through the proposed legislation of the moment. My best wishes for a long and happy life go with HOWARD as he prepare to take on the challenges of a new career direction. It has been a very real pleasure to serve with him and I will always treasure our association.

I also wish to pay tribute to two other special friends and congressional colleagues, DENNIS HERTEL and BOB TRAXLER, with whom I value the long service together that we have shared.

DENNIS' six terms in the House will stand as a monument to personal integrity and serve as a guideline to what it means to combine the interests of one's constituency with the good of the Nation as a whole.

We have spent much production time together on matters related to the North Atlantic Assembly. I will treasure the association.

He has done a tremendous job fighting for the cause of marine protection and preservation—a cause also dear to my own heart. This is highlighted by our strong support for the National Marine Sanctuary Program. His interest in the resources of the Great Lakes was allied with my own interest in the resources of the Florida Keys. I believe both of our constituencies were well served.

I would certainly be remiss if I did not take a moment to mention the hard work and long hours associated with his years on the Armed Services Committee. The task forces and special panels to which he was assigned are evidence of the respect he earned by his dedication to such matters as the War Powers Act.

My best wishes to DENNIS. He has my admiration and will always have my friendship as he redirects his life and career to other fields of endeavor back in Michigan.

Finally, I would like to salute BOB TRAXLER. As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, he has literally helped every community in the Nation. The range of people who depend on the programs he has presided over is great and the decisions he has made over the years have benefited our Nation.

BOB approached his work with honesty and integrity and had always been interested in doing what was best for the country. He was not afraid to put tough choices before the House and argue them with eloquence during debate. I have tremendous respect for BOB and there is no doubt in my mind that he is one of the most esteemed Members of the House of Representatives.

Because I do not know where to start, nor where to finish, I will not try to list everything BOB has done for my constituents. However, on behalf of south Florida, I would thank him for all he has done to help our community throughout his distinguished career in the House. BOB can be very proud of his accomplishments and I offer him my best wishes as he returns home to the great state of Michigan.

Mr. HUTTO. Mr. Speaker, on the Armed Services Committee we are losing nine outstanding Members at the end of the 102d

Congress. One of these is DENNIS HERTEL of Michigan. DENNIS and I not only serve together on the Armed Services Committee but we likewise are both on the Merchant Marine and Fisheries Committee. It has been good to know DENNIS as we have dealt with many issues on both of these committees during the years.

DENNIS is a Member who takes seriously the job of representing his people back in Michigan and also the governing of our Nation. We do not always agree on certain issues and I can remember several years ago when he battled gallantly against strategic homesporting which I supported. We were able to fight hard but still remained friends with respect for each other. DENNIS HERTEL will be missed in this body. I wish for him and his fine family much happiness and God's riches blessing in his future endeavors.

#### GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of this special order.

The SPEAKER pro tempore (Mr. BRYANT). Is there objection to the request of the gentleman from Michigan? There was no objection.

#### TRIBUTE TO THE DEPARTING MEMBERS OF THE MICHIGAN DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HENRY] is recognized for 60 minutes.

Mr. HENRY. Mr. Speaker, continuing in out tribute to our departing members of the Michigan delegation, I yield to my colleague from Michigan, Mr. SANDER LEVIN.

Mr. LEVIN of Michigan. I thank very much my good colleague from Grand Rapids for yielding.

The efforts of our seven colleagues have been lauded on this floor in terms of their work legislatively, so I thought I might just say a few words on a personal basis. I have had a chance to know all of the Members who are retiring and leaving for some time.

Let me start, if I might, with BILL BROOMFIELD. I was a county Chair in the early 1960's in Oakland County. One of my jobs was to try to defeat BILL BROOMFIELD. I failed.

BILL, you may not even remember your opposition. I believe it may have been Lee Smith the first year I was county Chair, I am not sure. He is now deceased, a good friend. And also you ran against Gus Scholle, and I remember the Democrats did not come close. You became an institution in Oakland County.

□ 2020

After I came here, I had the opportunity, having been unable to defeat you, to work with you, and we have at-

tended many, many events together, yourself and Jane and my wife and myself in various communities.

It has been a pleasure working with you, and your friendship will be missed.

GUY VANDER JAGT and I go back almost that far. I first met GUY in 1964. We both had been elected, if my memory is correct, to the State senate. It was the first time Democrats had control of the senate within any kind of memory. In fact, the story was the last time Democrats had won control of both houses was in the 1930's, and one person who ran who had thought he was simply a name on the ballot when he was elected to the State legislature went to Washington. It had been that long ago.

Anyway, GUY and I came to know each other rather well. It was pretty clear that he was looking after even grander things. He was in the minority that first term in 1965 and 1966, and began to see if there was an opportunity in Washington. That occurred, and he seized the opportunity, and as we all know, has served here for a long time. I have had the privilege of serving with GUY on the Committee on Ways and Means. He is not on the floor now, but he knows that our offices worked together on a number of problems.

We did not always vote the same way. Sometimes we did, and often collaborated looking after the best interests of the State.

I do not remember when CARL PURSELL and I first met, but it also was many, many years ago. I lost touch with CARL after he came to the Congress until I was elected, and when we first saw each other again on the basketball court. He was a lefty, as I remember, as I am.

You know, we often forget the personal aspects of this place. I wish we knew each other better. I was today at an event, a rather sad one, and one of our former colleagues, it turned out, had grandchildren. I did not even know that. I wish we knew each other better and even more personally.

But CARL and I came to know each other on the court, but also on the floor here, and we worked together on a number of matters including unemployment compensation.

BOB DAVIS, I do remember when I first met him. It was in Lansing. We were very young then; we were. I can remember his efforts on the floor. I remember, as well, the rather strenuous basketball games we had late at night after working 8-10 hours in the Capitol, these games at the YMCA. We came to know each other too, I think, appreciate each other's friendship.

Talking about friendship, BOB TRAXLER and I were roommates in Lansing when we were there, the nights we could not go home. I was the single non-BAY, Saginaw Valley person in

that team that rented a room at a hotel, I think, where we stayed on Tuesday nights and Thursday nights.

BOB and I became buddies, and my wife and BOB grew to like each other very much.

BOB was the majority floor leader, as I remember it, in the house when I was the minority leader in the State senate, and we worked together very closely. I also saw BOB as a friend up in Mackinac Island. All of us were mortified when he was injured, and one of the blessings of this last session was his recovery.

So he is going to be able to enjoy a retirement like some of the others that we are discussing tonight. BOB had threatened retirement a number of times. We did not take it seriously, but this time he fooled us.

HOWARD and I have known each other since the 1970's, the rather early 1970's. When I was running for Governor, HOWARD and I worked together and campaigned together and became good friends. He opened his place and his efforts to mine, and our friendship has continued. HOWARD became victimized by our loss of two seats, and we are going to miss HOWARD, as we are going to miss the others.

Michigan is going to lose some clout, there is no doubt about it. Michigan will find out that we were much better off with 18 seats and with the delegation whose ranks are now going to very much decline, and HOWARD, who is here tonight, knows how much his friendship has meant to both Vicki and to me.

DENNIS was a coordinator in one of my gubernatorial races, and the Hertels and the Levins became very close. DENNIS and I were thrown against each other potentially by redistricting, and I think it was to the relief of both of us that we did not have to run against each other.

I mentioned DENNIS last because his friendship and what redistricting almost brought about exemplified the kind of closeness that has developed within this delegation.

So I wanted to mainly talk about friendship. We, in this institution, sometimes forget these close relationships, and I think often the public does not realize that though we can fight like tigers on the floor here, stand up for the principles we believe in, two things: first, there often are points of agreement. We collaborate as well as contest. We work together as well as sometimes against each other.

The second point which I am afraid the public does not have a chance to glimpse, because you do not see it very much on C-SPAN, and maybe we will put our arms around each other or we will chat on the floor, but the public does not have a chance to see the relations develop that cut across geographical lines and that cut across party lines.

So it is a pleasure for me to come here tonight and to say to BILL and to GUY and to CARL and to BOB and to BOB TRAXLER, to HOWARD and DENNIS, I have enjoyed the relationship over 20 to 30 years in each and every case. I have enjoyed the opportunity to work together.

Come back and see us. This institution will miss each and every one of you.

Mr. HENRY. Mr. Speaker, I thank the gentleman for his very fine remarks.

Mr. Speaker, we have one final word of tribute, and then I will give an opportunity to our retiring Members to respond briefly if they would like to do so.

I yield to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise this evening in tribute to the fine members of the Michigan delegation who will not return for the 103d Congress.

When we look at the list of these Members, Mr. Speaker, we are struck by their many years of service—almost 140 in all. Yet as impressive as that number is, it fails to convey the full sense of their experience and expertise; of their knowledge, their wisdom, their hard work for Michigan and this country.

The people of Michigan will soon feel a sense of loss. They should know that they won't be alone: this institution will feel that loss just as acutely.

I am particularly saddened to think that when we return to Washington next January, Chairman BOB TRAXLER will not be here with us. Simply put, he is an outstanding Member of Congress. I consider myself fortunate to serve in this House with him; I consider myself honored to serve on the subcommittee he chairs.

As every Member knows, the Appropriations Subcommittee on VA, HUD, and Independent Agencies is charged with funding an array of vital—yet diverse—programs. Meeting the needs of the people served by these programs is difficult in the best of times; it's a challenge even when the economy is moving full steam ahead. And that's a track our economy hasn't been riding for quite some time.

Chairman TRAXLER has firmly, yet fairly, guided our subcommittee during times of stringent spending limits. He possesses a deep understanding of the programs under his jurisdiction. He also possesses a sincere appreciation for the good these programs do. Because of those two qualities, under the leadership of Chairman TRAXLER our subcommittee has met this Nation's most dire needs while maintaining budget discipline.

I, like many Members of this House, have benefited greatly from the chairman's guidance and leadership. And we

have the good fortune of being able to express our thanks to him in person. But, Mr. Speaker, there are millions who owe Chairman TRAXLER a debt of gratitude. They live all across this Nation of ours, in cities and towns thousands of miles away from Washington. Each of us can find them in our district—the men, women, and children who depend on veterans benefits, who find shelter through our housing programs, who value environmental protection, and who recognize the importance of technological investment.

I know for a fact that many of these people can be found in my district. Few, if any, of them will ever have the opportunity to thank the chairman in person. So, Mr. Speaker, on behalf of the people of the First District of West Virginia, I would like to say "Thank you" to Chairman TRAXLER. And to let him know that his work here will be remembered and appreciated by the people of West Virginia for years and years to come.

In closing, I would like to extend my best wishes to Chairman TRAXLER and his colleagues from Michigan who will soon leave this House. I value our service together.

□ 2030

Mr. HENRY. I thank the gentleman for his comments.

Mr. Speaker, first of all I want to acknowledge my appreciation to the gentleman from Michigan, Chairman JOHN DINGELL, our distinguished colleague, for his leadership in organizing the colloquies tonight and for taking out this special order.

Second, I want to pay my respects to each of the Members who have participated in this special order in which we have tried to render a small degree of tribute to Members whom we genuinely, on both sides of the aisle, hold in high regard.

Above all, I want to again say I express my appreciation to those who are honored.

Accordingly, Mr. Speaker, several of those Members have asked for a moment to share with us tonight. I yield to the gentleman from the 18th District of Michigan—we will go in the order of seniority—Congressman BILL BROOMFIELD, our colleague.

Mr. BROOMFIELD. Mr. Speaker, I would like to thank my fellow Michiganders who came down here to the floor today to say goodbye to the retiring Members from our great State.

The other day I got a very gracious letter from the dean of our delegation, JOHN DINGELL, sharing some of his thoughts about our work together over the years.

The letter set me to thinking that there's a lot less partisanship in this great institution than meets the eye. Newspaper, radio, and television accounts of what we do here tend to focus on what divides us rather than what unites us.

I understand the needs of journalism for a good story. Good stories involve conflict, and Congress often provides the press with some of the best copy around.

But reporters often overlook the many things that unite Republicans and Democrats. And several issues that bring our delegation together immediately come to mind: the well-being of the State of Michigan, the prosperity of Michigan's automotive industry, the health and welfare of Michigan's poor, the condition of Michigan's environment, to name a few.

I can think of very few issues affecting Michiganders that haven't brought forth a spirit of great cooperation among the entire Michigan delegation.

I'd like to think that's been a source of strength for the delegation, as much a source of our power as the clout wielded by some of its senior Members.

And I don't underestimate the latter. We have the majority whip, several powerful committee chairmen, and the possibility of a new member of the College of Cardinals. This delegation has been a powerhouse, a team of superstars and solid performers.

The people of Michigan have been well-served by my colleagues on this delegation, and I am sure that those of my friends who are retiring with me in January will be missed by many of the constituents they have helped over the years.

Many of the Members from Michigan I have served with over the years have not only been esteemed colleagues but good friends as well. I will miss you all.

You have honored us tonight. I want to thank the gentleman from Michigan [Mr. DINGELL], the gentlemen from Michigan [Mr. HENRY], and the rest of the delegation who have spoken. It will be a night we will long remember. Thank you all very much.

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Michigan, my colleague and neighbor, Congressman WOLPE.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Speaker, I had not intended to speak this evening, but I did want to express briefly how appreciative I am of the honor that you have paid to me and to those of my delegation on both sides of the aisle who are departing this institution. How very meaningful the words that have been expressed, in fact, have been this evening.

These past 14 years serving in this institution, in the Congress, have been the most remarkable experience of my lifetime. There is no dimension of that experience that has been more meaningful to me than my interaction with the Michigan congressional delegation, all of my colleagues on both sides of the aisle.

BILL BROOMFIELD very nicely expressed what we hold in common; the commonality of our interests that of-

tentimes does not meet the public view. But even, equally important, it seems to me has been even at the times that we have had our differences, those differences have been expressed with civility and with respect.

Mr. Speaker, we have worked together, we have debated together, we have formed friendships together, and we have learned, I think, together.

I shall always treasure these past years and I shall miss this institution greatly.

I think one of the common feelings shared by us all is enormous respect for this institution and for this democratic process of ours.

My deepest hope is that somehow we will be able to reclaim that sense of respect for the institution and for the process throughout this country of ours in the months and years ahead.

I want to thank the dean of our delegation, Mr. DINGELL, and Mr. HENRY, both of whom will be not only enormously significant colleagues but very important friends, for their taking this special order this evening and for undertaking this evening of tributes to the departing Members.

I shall miss all of you. I know that our friendships and our relationships will continue beyond our service. I thank you all so much.

□ 2240

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I am pleased to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I want to commend my dear friend, the gentleman from Michigan [Mr. HENRY], for having allowed me to participate with him in this matter. We are losing valued and dear friends, extraordinarily competent, decent, and dedicated Members of this body.

Their presence here will be missed. We are indeed proud to have served with them. Our affection, our good wishes, our friendship, our hopes for them will travel with them and our prayers that they will have long and successful careers in whatever undertakings they choose after they depart these places, will, of course, follow them. They have been great colleagues. They have been worthy Members of this institution and I am sure, like my good friend, the gentleman from Michigan [Mr. HENRY], not only proud to have had the opportunity to allow this body to say a few good words about some great Members of this body, but I am also proud that I have been able to participate and to have served with them. They have been great Members of this Congress. They have served their State and their Nation well.

May God bless them, and I thank the gentleman for yielding to me.

Mr. HENRY. Mr. Speaker, when each of these seven individuals was first elected and walked through the portals

of this Chamber for the first time, their constituents watched with great interest as they were aspiring young politicians. As they leave, those who have continued to watch will understand that they earned the title when they walk through those portals at the end of this session, they will leave as having achieved more and having been statesmen serving our State and this Nation.

Mr. Speaker, I have no further requests for time.

#### ECONOMIC WOES IN JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, Japan is now experiencing some hard financial times as American and other foreign firms delist themselves from the Nikkei Exchange's foreign section. The American stock market crashed in 1987 and everyone wrung their hands saying something was drastically wrong with America. Now it is Japan's turn to go through the throes of a reduced stock market and other financial problems.

General Motors is included in the companies delisting from the exchange because of the inability to raise money on the Tokyo Exchange. Kmart and the British conglomerate Lonrho have delisted and five more international companies including Philips, the News Group of Australia, the EPL Utility Group, and Avon are planning on leaving.

This exodus of firms raises doubts about the Tokyo Exchange and its place in the world markets. Now that the shoe is on the other foot, we should realize that Japan is not a super country, but simply one which is suffering some economic woes. Although Japan's pocketbook is deep, it does have its limits; delisting from the exchange proves that.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. CALLAHAN, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on October 6, 7, 8, 9, and 10.

Mr. HASTERT, for 60 minutes, on September 23.

Mr. EWING, for 60 minutes, on September 23.

Mrs. BENTLEY, for 60 minutes each day, on October 4 and 5.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. EVANS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. DREIER of California.

Mr. DUNCAN.

Mr. COUGHLIN.

Mrs. BENTLEY.

Mr. MILLER of Ohio in three instances.

Mr. GEKAS in two instances.

Mr. MICHEL.

Mr. GALLO.

Mr. ZIMMER.

Mrs. MORELLA.

Mr. PORTER.

Mr. HUNTER.

Mr. SKEEN.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. CARDIN.

Mr. SCHEUER.

Mr. ASPIN.

Mr. KENNEDY.

Mr. DOWNEY.

Mr. ROE in two instances.

Mr. HAMILTON in five instances.

Mr. BONIOR.

Mrs. KENNELLY.

Ms. OAKAR.

Mr. KILDEE in two instances.

Mr. DEFazio.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 5. An act to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

#### ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 17, 1992, at 8:30 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4259. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 92-42), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4260. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed li-

cense for the export of major defense equipment sold commercially to Venezuela (Transmittal No. DTC-33-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4261. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Taiwan (Transmittal No. DTC-25-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4262. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license to Finland (Transmittal No. DTC-31-92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

4263. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license to the Republic of Korea and Switzerland (Transmittal No. DTC-24-92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

4264. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Taiwan (Transmittal No. DTC-29-92), pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on Foreign Affairs.

4265. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 3033, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4266. A letter from the Secretary of Commerce, transmitting notice of designation for the Monterey Bay National Marine Sanctuary, together with final regulations implementing the designation; to the Committee on Merchant Marine and Fisheries.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 569. Resolution providing for the consideration of the bill (H.R. 3596) to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes (Rept. No. 102-867). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 570. Resolution providing for the consideration of the bill (H.R. 5754) to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes (Rept. 102-868). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 571. Resolution waiving all points of order against the conference report on the bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other pro-

gramming and to restore the right of local regulatory authorities to regulate cable television rate, and for other purposes, and against consideration of such conference report (Rept. 102-869). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Joint Resolution 512. Joint resolution to approve the extension of non-discriminatory treatment with respect to the products of Rumania (Rept. 102-870). Referred to the Committee of the Whole House on the State of the Union.

#### SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 918. The committee on Merchant Marine and Fisheries discharged from further consideration of H.R. 918. H.R. 918 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. LENT, Mr. BOUCHER, Mr. BRYANT, Mr. HARRIS, Mr. SCHEUER, Mr. STUDDS, and Mr. WYDEN):

H.R. 5952. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize prescription drug application, establishment, and product fees, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH:

H.R. 5954. A bill to amend the Rural Electrification Act of 1936 to clarify the status of the Rural Telephone Bank and its accounting policies, and for other purposes; to the Committee on Agriculture.

By Mr. COLEMAN of Missouri:

H.R. 5955. A bill to amend the Higher Education Act of 1965 to clarify that the Secretary of Education may rely on the certification of a guaranty agency that student loans used to calculate an institution of higher education's cohort default rate were properly serviced, that an institution is not entitled to review the servicing records on each such loan as part of its appeal on the loss of eligibility to participate in programs under title IV of such act, and for other purposes; to the Committee on Education and Labor.

By Mr. DOWNEY:

H.R. 5956. A bill to amend the Older Americans Act of 1965 to establish the National Resource Center for Grandparents; to the Committee on Education and Labor.

By Mr. EVANS (for himself, Mr. HAMILTON, Ms. NORTON, Mr. COLEMAN of Texas, Mr. TOWNS, Mr. OWENS of New York, Mr. RIGGS, Mr. BEILSON, Mrs. SCHROEDER, Mr. AU COIN, Mrs. KENNELLY, Mr. MOAKLEY, Mr. DELUMS, Mr. HOCHBRUECKNER, Mr. ABERCROMBIE, Mr. MURPHY, Mr. STARK, Mr. MRAZEK, Mr. HAYES of Illinois, and Mr. ANDREWS of Maine):

H.R. 5957. A bill to impose a 1-year moratorium on the sale, transfer, or export of anti-personnel landmines abroad, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts:

H.R. 5958. A bill to amend title 29, United States Code, to prohibit the reduction of mandatory retirement age retirements for certain public employees; to the Committee on Education and Labor.

By Mr. KENNEDY:

H.R. 5959. A bill to establish the Office of National Environmental Technologies, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Banking, Finance and Urban Affairs, and the Judiciary.

By Ms. MOLINARI (for herself and Mr. KYL):

H.R. 5960. A bill to prevent and punish sexual violence and domestic violence, to assist and protect the victims of such violence, to assist State and local efforts, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. SCHEUER:

H.R. 5961. A bill to establish certain uniform rights, duties, and enforcement procedures relating to franchise agreements; to the Committee on Energy and Commerce.

By Mr. YOUNG of Florida (for himself, Mr. GILMAN, Mr. SAXTON, Mr. FAZIO, and Mr. JAMES):

H.J. Res. 551. Joint resolution designating October 4, 1992, through October 10, 1992, as "National Bone Marrow Donor Awareness Week"; to the Committee on Post Office and Civil Service.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE:

H.R. 5953. A bill for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best; to the Committee on the Judiciary.

H. Res. 568. Resolution referring the bill (H.R. 5953) for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best, to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 875: Mr. HAYES of Illinois.  
H.R. 1167: Mr. FROST, Mr. RAY, Mr. ANTHONY, and Mr. FISH.  
H.R. 1541: Mr. STARK.  
H.R. 1791: Mr. SHAYS.  
H.R. 2086: Mr. BLAZ, Mr. LANTOS, Mr. RANGEL, and Mr. SCHIFF.  
H.R. 2413: Mr. ATKINS.  
H.R. 2618: Mr. ROSE.  
H.R. 2815: Mr. TAYLOR of North Carolina.  
H.R. 2872: Mr. SAWYER.  
H.R. 3018: Mr. MFUME.  
H.R. 3020: Mr. MARLENEE.  
H.R. 3122: Mr. ZELIFF.  
H.R. 3126: Mr. NEAL of Massachusetts.  
H.R. 3204: Mr. LANTOS.  
H.R. 3393: Mr. PASTOR.  
H.R. 3517: Ms. HORN, Mrs. UNSOELD, Mr. EVANS, and Mr. TORRES.  
H.R. 3545: Mr. PORTER.  
H.R. 3710: Mr. MANTON.  
H.R. 4130: Mr. FIELDS.  
H.R. 4175: Mr. HAYES of Illinois.  
H.R. 4243: Mrs. KENNELLY.  
H.R. 4275: Mr. RICHARDSON.  
H.R. 4338: Mr. GILLMOR and Mr. GRANDY.  
H.R. 4468: Mr. ROSE.

H.R. 4498: Mr. MORAN.  
 H.R. 4822: Mr. PAYNE of Virginia, Mrs. KENNELLY, Mr. FORD of Tennessee, Mr. McDERMOTT, Mr. MINETA, and Mr. YATES.  
 H.R. 4989: Mr. TOWNS.  
 H.R. 5052: Mr. MINETA.  
 H.R. 5057: Mr. MCCURDY.  
 H.R. 5153: Mr. PACKARD.  
 H.R. 5176: Mr. RITTER.  
 H.R. 5229: Mr. HERGER, Mr. RAMSTAD, and Mr. LENT.  
 H.R. 5282: Mr. RAMSTAD.  
 H.R. 5289: Mr. GILMAN, Mr. MATSUI, Mr. TORRES, Mr. PICKLE, Mr. ATKINS, Mr. MOLLOHAN, Mr. PAYNE of Virginia, Mr. KOPETSKI, Mrs. KENNELLY, Mr. ESPY, Mr. LEVINE of California, Mr. FORD of Tennessee, Mr. ASPIN, Mrs. MINK, Mr. FLAKE, Mrs. COLLINS of Michigan, Mr. YATES, Mr. HOYER, Mr. BROWN, Mr. HORTON, Mr. SYNAR, Mr. STOKES, Mr. DYMALLY, Mr. NOWAK, Mr. CARR, Ms. DELAULO, and Mr. HYDE.  
 H.R. 5304: Mr. REED.  
 H.R. 5360: Mr. MINETA and Mr. SWIFT.  
 H.R. 5375: Mr. BARTON of Texas, Mr. DORGAN of North Dakota, Mr. HEFLEY, and Mr. LANCASTER.  
 H.R. 5433: Mr. BARTON of Texas, Mr. HEFLEY, Mr. RAMSTAD, Mr. OBERSTAR, and Mr. WELDON.  
 H.R. 5437: Mr. HANCOCK.  
 H.R. 5539: Mr. ROBERTS, Mr. ALLARD, Mr. BARTON of Texas, Mr. SARPALIUS, Mr. EDWARDS of Oklahoma, Mr. MORRISON, Mr. SCHAEFER, Mr. SUNDQUIST, Mr. FEIGHAN, Mr. MYERS of Indiana, Mr. PICKETT, Mr. ENGLISH, Mr. PENNY, Mr. GRANDY, Mr. WELDON, Mr. ARMEY, Mr. SLATTERY, Mr. CLINGER, and Mr. GEREN of Texas.  
 H.R. 5545: Mr. SOLOMON.  
 H.R. 5551: Mr. HANCOCK.  
 H.R. 5624: Mr. STUDDS.  
 H.R. 5664: Mr. CLINGER and Mr. SHAYS.  
 H.R. 5682: Mr. LAGOMARSINO.  
 H.R. 5703: Mr. KLUG and Mr. INHOFE.

H.R. 5743: Mr. LANCASTER.  
 H.R. 5777: Mrs. UNSOELD.  
 H.R. 5783: Mr. GUARINI, Mr. KILDEE, Mr. HORTON, Mr. LANCASTER, Mr. EVANS, Ms. HORN, and Mr. McNULTY.  
 H.R. 5794: Mrs. UNSOELD.  
 H.R. 5832: Mrs. SCHROEDER and Mrs. UNSOELD.  
 H.R. 5850: Mr. LEWIS of Florida, Mr. FROST, Mr. GEREN of Texas, Mr. KOLBE, and Mr. KLUG.  
 H.R. 5872: Mr. GORDON.  
 H.R. 5909: Mrs. UNSOELD.  
 H.J. Res. 325: Ms. LONG, Ms. DELAULO, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. BROOMFIELD, and Mr. GOODLING.  
 H.J. Res. 325: Mr. GILCHREST.  
 H.J. Res. 353: Mr. VANDER JAGT.  
 H.J. Res. 469: Mrs. KENNELLY, Mr. SMITH of Texas, Mr. BRYANT, Mr. OLVER, Mr. McNULTY, Mr. HALL of Texas, Mr. JONES of Georgia, Mr. NATCHER, Mr. DELLUMS, Mr. McGRATH, Mr. ANDERSON, Mr. MILLER of California, Mr. HOLLOWAY, Mr. McEWEN, Mr. CAMP, Mr. RIGGS, Mr. STOKES, Mr. OBEY, Mr. BROOMFIELD, Mr. PACKARD, Mr. ROBERTS, Mr. TORRICELLI, and Mr. BURTON of Indiana.  
 H.J. Res. 476: Mr. FORD of Michigan, Mr. MAZZOLI, Mr. MOORHEAD, Mr. COOPER, Mr. EARLY, Mr. MINETA, and Mr. FRANKS of Connecticut.  
 H.J. Res. 478: Mr. FORD of Michigan, Mr. CLEMENT, Mr. PAYNE of Virginia, and Mr. BEREUTER.  
 H.J. Res. 487: Mr. GILLMOR, Mr. PICKETT, Mr. NATCHER, Mr. McGRATH, Mr. NEAL of North Carolina, Mrs. MORELLA, Ms. SNOWE, Mr. FORD of Michigan, Mr. MAZZOLI, Mr. HALL of Ohio, Mr. MORAN, Mr. DIXON, Mr. TRAFICANT, Mr. SKELTON, Mr. FRANK of Massachusetts, Ms. LONG, Mr. PRICE, Mr. MINETA, Mr. NOWAK, and Mr. WYDEN.  
 H.J. Res. 498: Mr. KLUG, Mr. PAYNE of Virginia, and Mr. PETRI.  
 H.J. Res. 520: Ms. NORTON and Mr. WALSH.

H.J. Res. 532: Mr. CHANDLER, Mr. FISH, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Mr. LIVINGSTON, Mr. GAYDOS, Mr. BACCHUS, Mr. TAUZIN, Mr. SLATTERY, Ms. MOLINARI, Mr. PICKETT, Mr. GILLMOR, Mrs. BENTLEY, Mr. NEAL of North Carolina, Mr. BRYANT, Mrs. COLLINS of Illinois, Mr. CARPER, Mr. MFUME, Mr. GREEN of New York, Mr. LANCASTER, Mr. HYDE, Mr. McCLOSKEY, Mr. TALLON, Mr. PAYNE of New Jersey, Mr. HARRIS, Mr. MARTIN, Mr. McMILLEN of Maryland, Mr. WELDON, Mr. LEACH, Mr. LEWIS of California, Mr. VISCLOSKEY, Ms. SNOWE, Mr. GINGRICH, Mr. GUNDERSON, Mr. SHAYS, Mr. MILLER of Ohio, Mr. DYMALLY, Mr. WYDEN, Mr. FALEOMAVAEGA, Mr. GILCHREST, Mr. RIGGS, Mr. MCCOLLUM, Mrs. BYRON, Mr. WHITTEN, Mr. MILLER of California, Mrs. MORELLA, Mr. DURBIN, Mrs. COLLINS of Michigan, Mr. SANGMEISTER, Mr. VENTO, Mr. MINETA, and Mr. SOLOMON.  
 H.J. Res. 540: Mr. BUNNING and Mr. WALSH.  
 H. Con. Res. 233: Mr. BACCHUS, Mr. LEWIS of California, Mr. FIELDS, Mr. HATCHER, Mr. CRAMER, Mr. McCLOSKEY, Mr. YOUNG of Florida, Mr. ROGERS, Mr. TAYLOR of North Carolina, and Mr. McEWEN.  
 H. Con. Res. 313: Mr. BILIRAKIS.  
 H. Con. Res. 344: Mr. MOAKLEY.  
 H. Res. 515: Mr. BEREUTER and Mr. OWENS of Utah.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of September 15, 1992]

H.J. Res. 520: Mr. Goss.

[Submitted September 16, 1992]

H.R. 3030: Mr. QUILLEN.